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LETTER OF TRANSMITTAL

Baltimore, December 1, 1942

To the Maryland Historical Society

GENTLEMEN:

Sixty years ago the State of Maryland entrusted to the Maryland Historical Society the publication of the *Archives of Maryland.* Biennially since 1882 the General Assembly of Maryland has continued to make provision for the publication of its colonial records under these same auspices. The Publications Committee of the Society now presents as Volume LIX of the *Archives* the *Proceedings and Acts of the General Assembly of Maryland 1764-1765,* which is the twenty-eighth volume that has been published dealing with Assembly affairs. The period covered by this volume was that in which men's minds were preoccupied with the Stamp Act and its threatening consequences. In addition to the journals of the proceedings of the Upper House and the Lower House, and the laws enacted during the 1764-1765 period, there will be found in the Appendix various other contemporary records intimately connected with matters which came before the Assembly.

No session of the Assembly elected in the autumn of 1761 was held during the year 1764; and it was in December of the latter year that Governor Horatio Sharpe issued writs for the election of a new Assembly. Of the fifty-eight delegates elected to the new Assembly, forty-two had been members of the preceding Assembly. The Popular, Country, or anti-Proprietary party, as it was variously called, was still in control and the same leaders were at the helm. The Upper House, composed as it was of members of the Council, who owed their appointment to the Lord Proprietary, was, as usual, under his dominance, with Daniel Dulany alone showing any independence of thought. The impending passage of the Stamp Act, which occurred in February, 1765, filled the thoughts of the people with serious forebodings. Sharpe, fearful of what might occur in the Lower House, did not call the Assembly together in 1764, and made smallpox, epidemic in Annapolis in 1765, an excuse in the earlier months of that year for postponing its meeting. The treatment by the Annapolis mob of Zachariah Hood, appointed distributor of stamped paper for Maryland, when on August 25, 1765, he was burned in effigy, his house destroyed, and he was driven from the city, brought to Sharpe the realization that, if the Assembly were not promptly called together, some direct action by the elected delegates would be taken. When on June 8 the Massachusetts House of Representatives proposed to the lower houses of the other colonies that a meeting be held in New York in October to protest against the Stamp Act, the members of the Council advised the Governor to call the Assembly together at once, telling him that if he did not do so, the members of the Lower House would meet together informally and appoint delegates to attend the Stamp Act Congress. The Assembly was called together on September 23, 1765. The Lower House appointed as delegates three of its members, all leaders of the Popular party, Colonel Edward Tilghman of Queen Anne's County, William Murdock of Prince George's County, and Thomas Ringgold of Kent County. Resolutions were passed not only against the act, as taxation without representation by the colonies in the Parliament which imposed the tax, but as contrary to the charter of Maryland granted by Charles I to Cecilius Calvert, second Lord Baltimore, exempting the inhabitants of the Province from all taxes except those which their own Assembly might impose upon them. The action of the Lower House was supported by the Upper House, which joined with it in making an appropriation of £500 for the expenses of the three "commissioners" to the Congress. The Assembly then took a month's recess until the delegates returned.

On reassembling, members of both political parties in the Lower House united in unanimously thanking the three delegates to the Congress for what they had done on behalf of Maryland and the other colonies, and approved the appointment by the Maryland delegates of Charles Garth as Agent in London, to present, on behalf of the Province, the address of remonstrance to the King against the Stamp Act and the petitions to the House of Lords and to the House of Commons praying for its repeal, which had been adopted by the Congress. Thus for the time being the attention of the Lower House was diverted from its various long-standing political grievances against the Proprietary to the more serious measure of taxation by Parliament. It is not to be doubted from the evidence available that the Stamp Act was as little liked by the Proprietary as by the people of Maryland, in his case because of the fear that it would take so much of the ready money out of the Province that there would be little left for himself.

Both houses of the Assembly, united for a short time by the threat which the Stamp Act had directed against all classes in the Province, during the entire September meeting and the early part of the November–December session, worked more harmoniously together than they had done for many years. It was not until after Stamp Act affairs had been disposed of, and the Journal of Accounts, the measure which carried appropriations for the expenses of government, came before the Assembly, that this truce between the two houses came to a sudden end. A deadlock between the two houses on this matter had existed since 1756, because the Lower House had refused to include in the Journal a salary for the Clerk of the Council, on the ground that this body was the creature of the Proprietary and that expenses incurred by the Council were not properly chargeable to the people. During this decade of deadlock the number of creditors of the Province had steadily increased, as had the public debt, and the creditors, especially the unpaid soldiers of the Seven Years' War, had become more indignant and insistent. There were threats of mob action at the November–December, 1765, session to force the Upper House to pass the Journal with the salary for the Clerk eliminated, but as the Proprietary had instructed the Governor not to recede from the position the Upper House had taken on the salary question, the Journal failed of passage, and once more the public debt remained unpaid. It may be added that it was not until 1766 that a Journal of Accounts was finally adopted after the two houses had agreed to submit the salary of the Clerk to the arbitration of the King in Council.

The break between the two houses over the Journal of Accounts again brought to the fore another controversial question—provision for the support of a Provincial Agent in London, to be appointed by, and responsible to, the Lower House alone. This demand by the Lower House had been rejected repeatedly by the Upper House for many years, but the acquiescence of the Upper House in the appointment of a special agent in the person of Charles Garth, a member of the House of Commons, to represent the Province in Stamp Act matters before the King and Parliament, gave the Lower House good ground to renew its insistence upon the appointment of an Agent resident in London to represent the people before the Crown in controversies with the Proprietary. The Upper House again rejected the bill for the appointment by the Lower House of an Agent, but just before adjournment suggested two possible compromises—that each house appoint a separate agent, or that a joint agent be appointed by both. The Lower House took no notice of these suggestions.

Other matters long in controversy between the two houses did not come very much into the open at the 1765 sessions. The journals of the two houses show, however, that bills, involving such questions as the disposition of license fees from ordinaries, were passed by the Lower House, rejected in the upper chamber, and returned without the exchange of such bitter messages as had passed between them in recent sessions. It may be said in general that nearly all the bills favored by the Lower House and rejected in the upper chamber were opposed by the latter body either as threats to the prerogative of the Proprietary, or, as in case of bills affecting legal procedure, because they tended to extend the power of the county courts at the expense of the provincial courts at Annapolis, which were more under the immediate influence of the Governor than were the more distant local courts. But it may be said in general that, at this particular moment, the people feared more the threat of interference in their affairs by King and Parliament than they did Proprietary pretensions.

The finances of the Province, which were in a healthy condition, although the squabble between the two houses had delayed the payment of the public debt for which there was money available, occupied the attention of the Assembly at the 1765 session. Various issues of bills of credit, or paper currency, were now due. These were paid off out of the sinking funds and a substantial balance was left over. The Loan Office, which had been created in 1732 to have charge of these issues and their redemption, and was no longer necessary, was abolished by an act passed at the November–December, 1765, session.

The disputed election of one of the delegates to the Lower House from the City of Annapolis is of considerable interest not only because the delegate was no less a person than Walter Dulany, Mayor of Annapolis and brother of Daniel Dulany, but because the evidence shows the high-handed way in which the election was conducted. Walter Dulany, who had been obliged to relinquish his seat at the September session because he had accepted an appointive office under the Proprietary subsequent to his election in 1764, was again a candidate at a special election, and was returned as reelected and took his seat at the opening of the November–December session. His election was contested as irregular. Evidence presented to the Lower House showed that as Mayor of Annapolis he had presided in the Mayor's Court, before which body the election was conducted, had challenged voters who offered to vote against him, and overruled all objections to the qualifications of those who voted for him. He was unseated, not only because the election was irregular, but because it was conducted in the absence of the recorder, his brother Daniel, who had also failed to sign the election return. The unseating of Dulany presents an interesting side-light on a Maryland election of this period.

Differences between the two houses, which for eight years had prevented the passage of legislation for the relief of debtors languishing in jail for debt, were finally compromised and a relief act passed.

What was apparently the second attempt in a Maryland legislature to pass a fish conservation measure came before this session. Legislation was sought to prevent the further destruction of fish by weirs and dams on various rivers and creeks, but it was not until two years later that laws to this end were actually passed. The first Maryland law requiring the licensing of dogs was passed at the 1765 session. There was also passed an act to encourage the manufacture of linen by the payment of bounties or prizes to those who submitted the best examples produced by non-slave labor.

Six parochial acts were passed; these provided for the building of new churches, chapels, or vestry-houses, for the creation of new parishes, and for changes in parish bounds. Legislation was passed to enlarge Baltimore Town and for the regulation of the town market. Two private acts were passed, one authorizing the sale of entailed land belonging to the estate of the late Governor, Samuel Ogle, owner of the celebrated "Belair stud" and the father of Governor Benjamin Ogle; and the other to validate the sale of lands belonging to the insolvent estate of Philip Covington of Somerset County.

Of the forty acts passed at the two 1765 sessions, fifteen were for the purpose of continuing acts about to expire by time limitation.

Some important original source material bearing upon the history of Maryland for the 1764-1765 period, is only to be found in certain contemporary printed pamphlets that are so rare as to be practically inaccessible to most students of Maryland history. It has seemed advisable to the Committee on Publications to reprint them in the Appendix. One of these is the Proceedings of the Stamp Act Congress held in New York in October, 1765, from the press of Jonas Green of Annapolis. This very rare pamphlet, of which only two copies are known, not only contains an account of the events leading up to the calling of the Congress and of the proceedings of that body, but also tells what was done by the three representatives of Maryland at the Congress and immediately thereafter, not to be found elsewhere. Attention here should also be called to another pamphlet which appeared from the press of Jonas Green, when the Congress was in session. Although it appeared anonymously, the author was soon known to all to be the noted lawyer, Daniel Dulany, the Younger, of Annapolis. Nothing that was written either in America or in England against the Stamp Act showed the same legal learning as did Dulany in his "Considerations on the Propriety of imposing Taxes in the British Colonies, for the Purpose of raising Revenue, by Act of Parliament". This pamphlet, with the name of the author now revealed, was widely reprinted throughout the colonies and in England, and nothing contributed more to further the repeal of the Stamp Act than did the arguments brought forward by Dulany. Pitt held the pamphlet in his hand and quoted from it in the House of Commons when he led the forces which brought about repeal. It has been said with truth that there was exhibited in it "a degree of legal learning, of acumen, and of literary power, which gave to it, both in America and England, the highest celebrity among the political writings of this period". It has been reprinted in full in the March, 1911, number of the *Maryland Historical Magazine.*

In 1764 there arose a political war of pamphleteers on the character of the Provincial government of Maryland, which had its origin in a series of questions, by an anonymous writer hostile to the Proprietary interests, that had appeared in the *Public Ledger* of London for November 17, 1763. These newspaper "Queries" were followed in 1764 by an anonymous pamphlet "By a Friend to Maryland", entitled "Remarks upon a Message sent by the Upper to the Lower House" during the March–April, 1762, session. This pamphlet assailed the arguments contained in the Message along the same lines as had the author of the "Queries" in the London *Public Ledger.* It was believed by many that Benjamin Franklin was the author of the "Remarks". Later in the year 1764 another anonymous pamphlet appeared with the title "An Answer to the Queries . . . and to the Remarks" by another "Friend to Maryland", probably from the joint pen of the Reverend Thomas Bacon, author of the recently compiled "Laws of Maryland at Large", and of Cecilius Calvert, Provincial Secretary of Maryland in England, and uncle of the Lord Proprietary. The probable authorship and place of publication of "The Remarks" and of "An Answer" are discussed in the introduction. Both of these pamphlets are so rare, only three copies of each being known, and are so important as throwing light upon the bitter political controversies of the period, that they are reprinted in the Appendix to make them available to all students of Maryland history. In the Appendix will also be found printed for the first time historical material now available only in manuscript form in the Hall of Records in Annapolis and in the Maryland Historical Society.

In the Introduction there will be summarized the various more important matters which came under the consideration in the General Assembly during the 1765 sessions and the laws that were passed. The reader is referred to the Table of Contents where they are severally listed. The original manuscript material from which the proceedings of both the upper and the lower houses of Assembly and the acts for the two sessions held in 1765, as printed in this volume, has been copied, comes from the same sources as that from which the proceedings and acts of the 1762 and 1763 sessions was derived. This source material has been discussed at length in the preceding volume, LVIII, of the *Archives,* so nothing further need be said of it here. As in preceding volumes, where messages and addresses are recorded in the journals of both houses, if short they are printed in the proceedings of both houses; if long, they are printed in full in the proceedings of the house in which they had their origin, only the opening paragraph being reproduced in the proceedings of the house to which they were addressed. The sources from which the material in the Appendix has been derived will be fully noted under each item and in the Introduction.

For a thorough understanding of the important matters which came before the Assembly at this period and the political controversies to which they gave rise, this volume should be studied in connection with the light thrown upon them by such contemporary records as the *Correspondence of Horatio Sharpe* (*Archives of Maryland XXV*), the *Proceedings of the Council* (ibid XXXII). the weekly issues of the *Maryland Gazette,* and contemporary pamphlets and broadsides from the press of Jonas Green. Valuable contemporary manuscript material will be found in the Hall of Records, Annapolis, made more readily available by the recent publication by it of the *Calendar of the Black Books;* and also in the special collections known as the Calvert Papers, the Gilmor Papers, and the Bordley Papers in the Maryland Historical Society. Charles Albro Barker in his recent *The Background of the Revolution in Maryland,* 1940, gives the most comprehensive picture of the events of this period which has yet been written.

Dr. Elizabeth Merritt is responsible for the comprehensive index of this volume. Mrs. Vivian E. Barnes of the staff of the Maryland Historical Society has been most helpful in locating the material to be found in the Appendix of this volume and in preparing the volume itself for the press.

The volume of the *Archives* to follow will continue the Court Series, and will contain the *Proceedings of the County Court of Charles County, 1666-1674.*

Respectfully submitted,
KENT ROBERTS GREENFIELD,
J. HALL PLEASANTS (*editor*),
RAPHAEL SEMMES,
Committee on Publications.

INTRODUCTION

The last session of the Assembly which had been elected in the autumn of 1761 had come to an end on November 26, 1763. Nor was another Assembly to meet until September 1765, nearly two years later. Governor Horatio Sharpe had prorogued the October–November, 1763, session to meet again on the first day of May, 1764, but on April 12 he postponed the day of meeting until July 30, and on July 10 again prorogued it until November 17, 1764. But the old Assembly was not destined ever to meet again, for on November 12 Sharpe issued his proclamation for dissolving it, and writs were issued for a general election, returnable December 24. Once more the Governor decided that he did not wish the Assembly to meet, and on December 15, 1764, issued a proclamation postponing the meeting of the new Assembly until June 10; and again on May 23 prorogued it until October 7. But public opinion, now thoroughly aroused by the Stamp Act and the Governor's delay in calling the Assembly together, forced him on September 12 to issue a proclamation advancing the date of meeting to September 23, 1765, "because some Business for the General Utility of the Province requires their attendance before that time [October]". The Governor gave as the reason for not having held the session earlier the prevalence of smallpox in Annapolis in the spring and summer of 1765, but this was rather an excuse than a reason, for it might well have been called to meet in some other place where smallpox was not prevalent, as had occurred more than once in the past. Sharpe had obviously been warned by the Lord Proprietary to postpone the calling of the Assembly together as long as possible, for under date of October 3, 1765, he thus wrote Frederick: "The Reason of my troubling your Ldp at this time is to inform you that during the Sitting of the Provincial Court all the Gentlemen of the Law & many others from different parts of the Province, several of them Members of the Lower House represented to me that as Annapolis was at length clear of the Small Pox it was the Universal Desire of the people that their Representatives should have an Opportunity of meeting in Assembly before the time to which it stood prorogued & that upon my Communicating such Representation to the Gent. of the Council they advised me to gratify the Wishes of the People by convening the Assembly on the 23^d^ of last Month". The letter went on to say that the public demanded a meeting so that the Lower House might appoint some of its members to attend an assembly called by the Province of Massachusetts Bay to meet in New York to protest against the enforcement of the Stamp Act, the Governor adding that "so earnestly did the Inhabitants of this Province desire that some of their Representatives should be present at such meeting that I am convinced the Members would have been obliged by their Constituents to meet here even if I had not called them, & that in such Case there would have been a great Outcry raised throughout the Province against the Council & Myself which might have been productive of Disorder & ill Consequences" (*Arch. Md.* XIV; 231-232). The sitting of the Provincial Court, at which

Sharpe says he was urged to call the Assembly together, opened on September 3.

Although the popular demand for a meeting of the Assembly was undoubtedly strong it was not until some two months after the assembly had met that the Lower House on December 13 saw fit to lay before the Governor, doubtless "for the record", a formal "Remonstrance" or address, protesting against his long delay in calling the Assembly together. Reminding him that the Governor alone had the power of convening and proroguing assemblies, the message declared: "The unhappy Prevalence of the small Pox from the Month of March [1765] to that of Sept.^{r} last, rendred a Convention of Assembly within that Time impracticable but we are ignorant of any Reasons that could Occasion the long Intervention from Nov.^{r} 1763 to last March [1765] within which Time Circumstances of a peculiar Nature required a Meeting of Assembly which was prevented by repeated Prorogations". A protest was then registered by the house as the "Representatives of the free People" against this long delay, "at a Time so very critical to the Rights of America at a Time when the good People of this Province ardently wished for an Opportunity to express by their Representatives in the Assembly their Sense of a Scheme then entertained by the British House of Commons of imposing Stamp Duties on the Colonies and for Want of which their involuntary Silence on a Subject so interesting and important has been construed by a late Political Writer of Great Britain as an Acquiescence in that intended Project". The remonstrance closed with the assertion that although the house had every confidence in the Governor's inclination to the interests of America it cannot be now silent because "at some future Time . . . . it may be the Unhappiness of this Province to be under the Government of a Gentleman less favorable in his Inclinations" (pp. 230-231). The reader must remember, that this remonstrance was written after the Stamp Act Congress had been held and the Lower House had taken a definite stand with the other colonies.

Although the two meetings of the Assembly which occurred in the autumn and winter of 1765 might be regarded as one session, divided by a recess extending over the month of October, they are designated in the journals of the two houses and in the session laws as separate sessions.

SESSION OF SEPTEMBER 1765

The Assembly met on September 23, 1765, with Governor Sharpe and five of the eleven members of the Upper House present at the opening and forty of the fifty-eight members of the Lower House. There had been a few changes in the personnel of the Upper House or Council since the close of the October–November, 1763, session. The Council when filled was a body of twelve. The holdover members of the Upper House were Benjamin Tasker, the President, Benedict Calvert, Samuel Chamberlaine, Charles Hammond, Richard Lee, Robert Jenckins Henry, Charles Goldsborough, Edward Lloyd, Daniel Dulany, and John Ridout. Stephen Bordley, the Attorney-General, who sat in the last Assembly, had died December 6, 1764, and Philip Key on August 20, 1764. Henry Hooper, for many years Speaker of the Lower House, was on September 23, 1765, sworn in as a member of the Council and took his seat in the Upper House on the second day of the session (*Arch. Md.* XXXII; 107). The members of the Upper House who were actually in attendance at this short, six day session were Tasker, Chamberlaine, Hammond, Lee, Henry, Goldsborough, Lloyd, Dulany, and Ridout.

Politically there had been little change in the composition of the Lower House as a result of the recent elections. The old leaders of the anti-Proprietary, country, or popular party, as it was variously called, Edward Tilghman, William Murdock, Thomas Ringgold, John Hammond, John Hanson, Robert Lloyd, William Smallwood, and Thomas Johnson, the last now definitely aligned with this group, were still in complete control. An important addition to this group was Samuel Chase, who later was to become perhaps the most aggressive of all the pre-Revolutionary leaders. The poll of votes for the two delegates from Annapolis showed the following result: Walter Dulany 132 votes, Samuel Chase 88, and Dr. George Steuart 59—a significant poll, as in this hitherto stronghold of Proprietary influence, Chase outran, by 19 votes, Steuart, for many years the wheelhorse of the Proprietary party in the house. The Government in these first two 1765 sessions also suffered a serious loss when Walter Dulany was twice unseated, first at the September session because he had disqualified himself by accepting an office under the Government, and later, at the November–December session, after reelection, when his second election was declared to be irregular and he was again unseated. Two important additions to the membership of the Lower House were James Hollyday and Robert Goldsborough. Both were able lawyers who had received their training in the Temple. Although they played important parts in the Assembly at this session and thereafter, and their sympathies were doubtless with the popular party, neither of them at this time seems to have affiliated with the aggressively partisan group.

Among the fifty-eight members of the Lower House who had just been elected, there were forty-two delegates who had been members of the last Assembly; four who had served in former assemblies but not in the last (Samuel Wilson, Henry Travers, Woolman Gibson, and Nicholas Hyland), and twelve new members who had never before served in a Maryland legislature. It may be recalled that at the December, 1758, session Samuel Wilson of the Proprietary party had, by a party vote, been censured and placed under arrest by the sergeant-at-arms for a severe verbal attack upon Philip Hammond, a popular leader of the house (*Arch. Md.* LVI; liii-lv). He had not been a member of the Assembly elected in 1761. The new members were Daniel Wolstenholme of St. Mary's, Young Parran of Calvert, Robert Tyler of Prince George's, John Hall Jr. and James Heath of Baltimore, William Winder of Somerset, Philemon LeCompte and Robert Goldsborough of Dorchester, Henry Hollyday of Talbot, Robert Buchanan of Kent, Fielder Gantt and James Smith of Frederick and Samuel Chase of Annapolis. Goldsborough, who had been entered at the Middle Temple, London, in 1752, and had been called to the English bar in 1756, was a delegate from Dorchester County. To this group of new members was to be added John Hall of Annapolis, who took Walter Dulany's place after he was unseated the second time, increasing the number of new members to thirteen.

There were in this 1764-1765 period a number of well trained lawyers serving in both houses of the Assembly. Eight of these had received their legal training in London in the Inns of Court. Three of them were in the Upper House. There were four in the Lower House, in addition to the Clerk of the house, who had also received his legal training in London. The Upper House members who were Templars, were Stephen Bordley (1709-1764) of Annapolis, an Inner Templar, a Councillor and the Attorney-General; Daniel Dulany the Younger (1722-1797) of Annapolis, of Clare College, Cambridge, a Middle Templar, a Councillor, and the recognized intellectual leader of the American bar of his time; Richard Lee (1705-1787) of "Blenheim," Charles County, a Middle Templar, a Councillor, and later for several years President of the Council. In the Lower House were Robert Goldsborough (1740-1798) of Cambridge, a Middle Templar and later a distinguished Maryland judge; John Hammond (d. 1784) of Anne Arundel, a Middle Templar; James Hollyday (1727-1788) of "Readburn" Queen Anne's County, a Middle Templar, who in 1765 refused a seat in the Council, preferring to remain in the Lower House; Edmund Key (d. 1766) of St. Mary's County, a Middle Templar and an Inner Templar, and the successor of Stephen Bordley as Attorney-General. The Clerk of the Lower House, Michael Macnemara, had received his legal training at Gray's Inn, London, to which he was admitted in 1723. It may be added that John Brice of Annapolis, appointed one of the commissioners of the Loan Office in 1765, was also a Middle Templar.

The Lower House at once proceeded to organize in the orthodox manner, although organization was not actually completed until it met again in November after a month's recess. Ringgold and Hanson appeared before the Governor and the Upper House, and reported that there were a sufficient number of delegates present to form a Lower House. Lee and Ridout from the Upper House accompanied by Dr. Upton Scott, recently appointed clerk of the Upper House to succeed John Ross, proceeded to the lower chamber and swore in the delegates in the usual manner. Hammond and Ridout in the name of the Governor then summoned the members to appear in the upper chamber where the Governor directed them to return and choose a Speaker. The Lower House, after selecting Robert Lloyd of Queen Anne's County Speaker, sent John Goldsborough and James Hollyday to inform the Governor of their choice, who indicated his approval. Hammond and Lee were then sent by the Upper House to require the attendance of the delegates to present the Speaker. After Lloyd had been formally presented, the Governor gave his official approval of the choice. Michael Macnemara was appointed Clerk (p. 4). Robert Saunders was appointed Serjeant-at-arms and Cornelius Howard Door-keeper and took the required oaths of office (p. 17). John Duckett and Turbutt Wright were appointed clerks to the several committees of the Lower House. (p. 22).

In this brief opening address Sharpe said: "Having Reason to think it would be very agreeable to you to be Convened as soon as the unlucky Cause [smallpox] which made me decline meeting You last Spring was removed I have called you together before the day to which the Assembly stood prorogued, hoping that my doing so will Convince You of my desire to gratify You and afford You an Opportunity to promoting the true Interest of your Country".

The Governor made no reference whatever to what was in the thoughts of all—the Stamp Act; and concluded by saying that at this time he had nothing to bring to their attention, assuming that their experience taught them what new laws were necessary, although he presumed that their attention would be given to the pressing financial affairs of the Loan Office and the payment of the public debt; he also expressed the hope that the two houses would work together in the greatest harmony for the public good (pp. 3-4, 16-17).

The Lower House at once turned its attention to the Stamp Act. Letters and other communications from the Massachusetts House of Representatives were presented requesting the Lower House to appoint representatives from among its members to attend a conference to be held in New York to protest against the Stamp Act. Nowhere in these Assembly proceedings, however, do we find this meeting styled the Stamp Act Congress, as it later came to be called. These communications were read and ordered to lie on the table (pp. 18-20). More detailed reference to them will be found in another section of this introduction (pp. xl-xlix). On the day following their reading various routine matters were disposed of by the house. The Speaker was ordered to issue his warrant for the election of a delegate from Annapolis, Walter Dulany having been declared to have forfeited his right to sit in the house, by his acceptance, after his election, of an office under the Government. The Speaker was also directed to issue a warrant for the election of a successor to John Trueman Stoddert of Charles County who had died since his election the year before (p. 21). Francis Ware was later elected to replace Stoddert (p. 132).

The house then returned to the consideration of the communications from the Massachusetts House of Representatives relating to the Stamp Act Congress to be held in New York. This will also be referred to at greater length elsewhere. The house further resolved that it "will not at this meeting proceed to any Business other than such as may be dependent upon or relevant to the Subject of these two Letters" (p. 21). An effort, made two days later, to expunge this resolution from the journal, was defeated by a vote of 38 to 14, a vote not strictly on party lines, although most of those voting in the affirmative were of the Proprietary party (pp. 26-27). The house then ordered that the Petition of Right and the Bill of Rights be read (p. 121).

The Lower House selected three of its members, all uncompromising Popular leaders, Edward Tilghman of Queen Anne's, William Murdock of Prince George's, and Thomas Ringgold of Kent, to be a "Committee to attend the New York meeting", and a committee of seven members of the house was appointed to draw up instructions for the guidance of these three representatives (pp. 21-22). On this committee were James Hollyday of Queen Anne's, Thomas Johnson Jr. of Anne Arundel, Edmund Key of St. Mary's, John Goldsborough of Talbot, John Hammond of Anne Arundel, Daniel Wolstenholme of St. Mary's, and John Hanson of Charles. All of these were of the Popular party except Key and Wolstenholme. The latter, although one of the delegates from that stronghold of Proprietary influence, St. Mary's County, and unquestionably of that party, seems to have been persona grata to the Popular leaders, and to have been on most of the important committees. This committee on instructions on the day following, September 25, made its report, which was promptly adopted, and "fairly engrossed and signed by the Speaker" (pp. 23, 26); and the report with the accompanying papers transmitted to the Upper House (pp. 6-10). These important instructions will be considered at greater length later (pp. xli-xliii). The same day a message was received from the Upper House approving "of the measures in sending Commissioners from this Province to meet such as has been appointed in the other Colonies in order to consult together on the present circumstance". In this message the Upper House declared that it would give its cheerful concurrence to an ordinance for the payment of £500 for the expenses of the commissioners, if certain changes were made in the wording of the ordinance which had been sent to it by the Lower House, upon which both houses, after the exchange of a number of messages, finally agreed (pp. 10-12, 24, 25, 27-29).

On September 25 a committee of twelve headed by William Murdock, a committee to which the next day two more delegates were added, was appointed to "draw up resolves declarative of the constitutional rights and priveleges of the freemen of this Province", as a protest against the Stamp Act, these resolves to be brought before the house for its approbation (pp. 23, 28). Of the fourteen members of this committee at least three, Wilson, Key, and Wolstenholme, were prominent members of the Proprietary party. The resolves or resolutions upon the constitutional rights of the people of Maryland were presented to the Lower House two days later, and on the last day of the session were adopted by a unanimous vote. These resolves, eight in number, asserted that as subjects of the Crown, the people of Maryland could only be taxed by a body in which they were represented; that under the charter of Maryland this and other rights, such as trial by Jury, had been confirmed to them by the King; and that it was these inherited rights of which Parliament now sought to deprive them (pp. 30-32). These resolves are discussed at length in the section on the Stamp Act (pp. xli-xlvi).

What may be called an omnibus bill was introduced in the Lower House on the last day of this short session, passed, and promptly concurred in by the Upper House, continuing in force, until the end of the next session, all the laws about to expire by time limitation with the close of this session (pp. 34, 12, 13, 35). The laws which were about to expire are not severally named in this general continuance act. Separate messages, although somewhat different in wording, were sent by the Governor to the upper and lower houses asking the advice of each as to how he should proceed when the stamped paper, which was on its way and expected daily, should arrive in the Province, as the person appointed to receive the paper had already left the Province (pp. 13, 35). This, of course, refers to the rough treatment which the mob, a few weeks before, had accorded Zachariah Hood, appointed by the British Government as stamp distributor for Maryland, when Hood had been burned in effigy, his house destroyed, and he had fled precipitously to New York for safety. In reply to the Governor's message the Upper House advised, that in view of recent events, and as there was no place of security where the paper could be lodged, it was advisable, in order to prevent further indignities, that the commander of one of His Majesty's ships on the Virginia station be requested to receive the papers on board, until they might be landed in safety (pp. 13-14). The Lower House, on the other hand, refused to offer any advice in their address to the Governor, declaring in reply that it was "a matter of Importance and such as we do not think ourselves at Liberty to Advise in without the Instruction of our Constituents which we cannot now obtain" (pp. 35-36).

On the last day of the session the Lower House sent an address to the Governor thanking him for the speech which he had delivered at the opening of the session and apologizing for not replying to it before. The Upper House had been more prompt in its reply (p. 5). The Lower House declared in its reply that it felt that it was its indispensable duty to its constituents to appoint certain of its members to attend the meeting in New York to implore relief against the act [the Stamp Act] recently passed by Parliament, and that this matter had so absorbed its attention that it had been unable to transact the ordinary business of the session. The message added that in view of the fact that several of its members in the month of October would be engrossed with the affairs of the various adjourned county courts which would then be in session, it was hoped that the Governor would consent to a short recess of a few weeks, after which the Assembly could proceed to the consideration of various measures tending to promote the general welfare (pp. 33-34). The Governor replied in a message in which he said that he would comply with the request of the house for a short recess, and thereupon prorogued the Assembly to meet again on October 31 next (pp. 35, 36). It did not meet, however, until the day following.

SESSION OF NOVEMBER–DECEMBER 1765

After a recess of a month and two days the Assembly, which had had its last sitting on September 29, 1765, and had then been prorogued to meet on October 31, did not actually begin the session until November 1, a day's delay doubtless due to an insufficient number of delegates being present. It met the first day of November with only twenty-seven of its fifty-eight members in attendance, the journal then recording that there were now "a sufficient Number of delegates to compose the Lower House". Additional delegates drifted in from day to day, although the recorded vote does not indicate that there was at any time a full attendance. The usual ritual observed at the opening of a session was followed. The Governor summoned the Lower House to the upper chamber, but omitting the usual formal opening speech, merely "signified to Mr. Speaker and the Lower House of Assembly that as it appeared from their Address delivered him near the Close of the last Session that it would be agreeable to them after a short Recess to proceed on public Business he had now met them for that purpose" (p. 132).

Preoccupied with Stamp Act matters and because of lack of time at the September meeting, the house had failed to adopt various routine measures customary in the organization of a new house. The usual rules of order were now first adopted, identical with those in use at recent sessions. The journal of the Lower House recorded the selection of "the Rev.^{d} M.^{r} Love" to read prayers at the opening and closing of each day's meeting (p. 135). He is not styled chaplain, however. This was David Love who had recently arrived in Maryland, and only a few days before the opening of this session, October 29, 1765, had been inducted by Sharpe as rector of the neighboring parish of All Hallows, Anne Arundel County. Some ten years later, Love writing from Maryland to Sharpe after the latter's return to England, under date of May 23, 1774, said that he had never interfered in legislative squabbles and though chaplain of the Lower House had never stayed after prayers to hear a single debate (*Maryland Historical Magazine* IV: 1909, p. 256). A somewhat doubtful compliment to Lower House oratory. The usual "resolves" or resolutions, in great part protests against the pretensions of the Lord Proprietary and assertions of the rights of the people, were adopted (pp. 133, 135). These resolves, which were invariably adopted by the Lower House at the first meeting following the election of a new house, may be looked upon as a Bill of Rights and Declaration of Independence of Proprietary control. As they have already been fully discussed in the introduction to a previous volume of the *Archives* (LVI; xv-xvi) they need not be considered in much detail here. In these resolves the Committee of Grievances and Courts of Justice was urged to see to it that no changes be made in the form of the oath of office taken by judges which would lessen their obligation to hear and determine all cases according to the laws of England and the Province of Maryland, free from pressure by King or Proprietary. This was emphasized because it was the claim of the people that all the laws of England were in force in the Province unless there were Maryland statutes to the contrary. The resolves further affirmed the rights of the inhabitants, as free citizens of a free English colony (and not as inhabitants of a conquered country), to enjoy and have the benefits of all English laws and liberties. It will be noted that this same claim was insisted upon in the resolves adopted at the September session in opposition to the Stamp Act. The resolves also declared that the collection of the twelvepence export duty on every hogshead of tobacco sent out of the Province was not warranted by the Act of 1704, as asserted by the Proprietary, but that even if that act were valid, threepence of the twelvepence should go toward the defense of the Province, and not, as it now did, like the remainder of the duty, into the pockets of the Proprietary (pp. 133-135).

As no regular committees of the Lower House had been appointed at the short September session, this was now done. These were the: (1) Committee of Elections and Privileges, 5 members, (2) Committee to Inspect Public Offices, 7 members, (3) Committee of Grievances and Courts of Justice, 6 members, (4) Committee to Inquire into what Laws were about to Expire, 4 members, (6) Committee of Accounts, 6 members (pp. 137-140). These committees were not restricted as to number, and additional members were added to several of them from time to time as the session advanced. Committees seem always to have been appointed by action of the house itself and not by the Speaker. The Committee to Inspect the Office of the Commissioners or Trustees for Emitting Bills of Credit (the Loan Office) was the only regular joint committee of both houses. The members appointed by the Upper House were Samuel Chamberlaine and Benedict Calvert; those appointed by the Lower House were Dulany, Worthington, Bealle, Hanson, Grahame, Lloyd, and Wilson (p. 137). The report of this joint committee on the Loan Office, brought in on November 29, 1765, is discussed at length in another section of this introduction (pp. lx-lxii). Henry Wilkins was selected as a clerk to the several committees of the Lower House and sworn in (p. 143), in addition to John Duckett and Turbutt Wright appointed clerks at the September session (p. 132).

The Committee on Elections and Priveleges reported that it had inspected all the writs of election and sheriffs' returns, and that these showed all the delegates to be duly elected, except that one of the two delegates from Annapolis, Walter Dulany, was "only returned by the aldermen of the city"; but that Samuel Chase, the other delegate, had been duly elected and returned. A petition was presented to the Lower House on November 2 from "a number of inhabitants, freeholders, and free voters of the city of Annapolis", protesting against irregularities, alleged to have occurred at a special election held on October 5, at which Walter Dulany, Mayor of Annapolis, had been returned as a delegate from that city (pp. 135-136). It will be recalled that at the September session Dulany, perhaps the most conspicuous member of the Proprietary party in the Lower House, had been unseated because he had disqualified himself by accepting, since his election in the autumn of 1764, an office under the Proprietary government—that of Naval Officer of the Patuxent District. On account of Dulany's great prominence and the interesting picture of a seventeenth century Annapolis election as disclosed by the evidence, a special section will be devoted to the episode, which resulted in his unseating for the second time (pp. lxiii-lxv).

On November 8 the Governor in a message to the Upper House called its attention to an appeal from Governor James Murray of Canada, dated Quebec, June 29, 1765, for a contribution for the relief of the people of Montreal, rendered destitute by a devastating fire which had occurred a few weeks before; and the Governor enclosed a letter from Murray giving an account of the losses then sustained and the misery of the inhabitants. In this letter Murray said that the financial losses of the inhabitants amounted to £87,580: 8: 10½, and that these, added to the losses due to the ravages of war and the non-payment of the paper money, completed their wretchedness. He concluded by saying that he applauded the behavior of these new Canadian subjects of His Majesty, and that "a Seasonable Relief at this Time must rivet their Affections to the British Government, and Silence those among them who would insinuate that the professors of Our Religion do not possess the Christian Virtues to an eminent Degree" (pp. 148-149). The Governor's message and Murray's letter were sent to the Lower House with a message from the upper chamber that it would be very glad to join in a contribution for relief. The Lower House did not, however, allow itself to be too much influenced by humanitarian considerations, for it took no notice of the appeal until the closing day of the session six weeks later, when after first approving a motion, by a vote of 15 to 14, to make a contribution, on the afternoon of the same day it voted down, 17 to 15, a contribution of £600, and immediately thereafter similarly disposed of one of £500 by the same vote, but did by a vote of 21 to 9 refer the whole matter of relief to the consideration of the next Assembly. Party lines do not seem to have been strictly drawn in these votes (pp. 256-257).

There was much resentment among the people because Governor Sharpe had failed to call the Assembly together when the agitation about the Stamp Act first became general, which at this session took the form of a belated "remonstrance" directed to him (pp. 172, 230-231). Questions which arose as the result of the Stamp Act came before this body a day or two after it resumed its sessions on November 1, but as all matters pertaining to this act are discussed in considerable detail in a separate section of this introduction (pp. xl-xliv), they need only be briefly referred to in passing in this general survey of the events of the session. For the second time Sharpe requested the advice of the Lower House as to what disposition he should make of the stamped paper consigned to Maryland. Captain James Hawker had taken this for safe-keeping on board His Majesty's ship *Sardein,* and when the Governor asked the Lower House to offer advice as to its disposition, the house refused to do so, saying that any advice on this subject "was not agreeable to the Sentiment of our Constituents" (pp. 137-138, 140). Murdock, Tilghman, and Ringgold, the three Maryland representatives to the Stamp Act Congress in New York, reported, November 27, to the Lower House on the proceedings of the Congress in New York in which they had taken part, submitting copies of the addresses to the King and to both branches of Parliament, the letter sent by them to Charles Garth, whom they had appointed to represent the Province in England in Stamp Act matters, and the accounts of their expenses. The house then voted unanimously its formal thanks to them for the way they had executed the great trust reposed in them (p. 180). A formal letter of instructions to Garth was then drawn up and approved by the house. This important and lengthy political document embodying the remonstrances of the people of Maryland against the Stamp Act, protested not only against the act as an infringement of the rights of the people of all the colonies, but more particularly because it was in direct conflict with the rights of Marylanders under their charter (pp. 206, 211). This letter is discussed more fully elsewhere, but should be read to appreciate the arguments advanced (pp. 206-211, xlvi-xliii). The house at the close of the session delegated its authority in Stamp Act matters to a committee of five members, who were to keep in touch with Garth as to the progress of events and who were to report to the next Assembly (p. 257).

The bitterness which at recent assemblies had characterized the relations between the two houses had been absent in a remarkable degree at the November–December session until consideration of the Journal of Accounts, which carried the appropriations for the expenses of the government, now over ten years in arrears, came before them. The Committee on Accounts, which had charge of the preparation of the Journal and had been appointed by the Lower House on the second day of the session, was also ordered to incorporate in its report to the house a statement of the expenses attending sittings of the Assembly since 1756 (p. 172). The Journal was introduced in the house on

November 28, passed, and sent to the Upper House, and with it was also sent a list of the debts of the Province due on account of the late war (pp. 189, 190, 191). The fat was now in the fire for the Journal did not include the salary of the Clerk of the Council, which the Upper House insisted must be paid for the ten year period since the last Journal had been passed in 1756, otherwise the Journal would not receive its approval. The numerous creditors of the Province were so incensed at this long delay in making provision for their payment, that mob violence to enforce payment was threatened at this time. A bitter controversy between the two houses now developed. The Lower House insisted that the salary of the Clerk of the Council was not chargeable to the public, but should be paid by the Lord Proprietary, whose creature the Council was. There were other items relating to Council expenses to which the Lower House also objected. There now followed an exchange of long and bitter messages between the two houses filled with political dynamite for popular consumption. The interested reader is referred to a later section of this introduction where some of the arguments advanced by both parties to the controversy are considered in detail (pp. xlix-lvi).

Again the question was brought forward of providing a support for a Provincial Agent in Great Britain to be appointed by the Lower House, a subject of acrimonious dispute between the two houses for several decades. This was opposed by the Proprietary as an attempt by the people to discredit his government of the Province before the Throne. As usual the bill providing for the appointment of such an Agent was passed by the Lower House and as promptly rejected in the upper chamber. On the last day of the session, however, the Upper House, because of the anger its rejection of the Journal of Accounts had aroused, suggested a compromise, offering to approve the appointment of a single agent to represent both houses, or to the appointment of two agents, one to represent the lower and one the upper chamber. This compromise offer was ignored by the Lower House. The dispute about a Provincial Agent will be found discussed in some detail later in this introduction (pp. lvi-lvii).

Six acts involving parishes, churches, and chapels were passed at this session. These provided for the erection or repair of churches, chapels, and vestry houses, alteration of parish lines, and the creation of a new parish. The parishes involved were St. James', Anne Arundel County; All Faiths and St. Andrew's, St. Mary's County; St. Paul's, Shrewsbury, I. U., and Chester, Kent County; St. Luke's, Christ Church, and St. John's, Queen Anne's County; and St. Paul's, lying in both Queen Anne's and Talbot counties. These acts relating to parish and church affairs are discussed in a later section of the introduction (pp. lvii-lix).

Owing to disputes between the houses, no act for the relief of "languishing prisoners" confined for debt in county jails had been passed for eight years. This was largely because the Upper House was disposed in general to treat debtors more harshly than was the Lower House, and to be especially severe on debtors to the Lord Proprietary and to the Loan Office. Finally the houses came to an agreement and an act for the relief of prisoners for debt was passed at this Assembly. Some of those thus afforded relief are known to have been in prison for more than five years. The nature of the dispute between the two houses and the abortive attempt to secure more humane legislation will be considered later in this introduction (pp. lix-lx).

The usual joint committee was appointed by both houses to report upon the condition of the Loan Office. Provincial funds set aside in the sinking funds to take up outstanding bills of credit (paper currency) when they should fall due, were invested either in bonds (loans) on real estate by the Loan Office, or in the capital stock of the Bank of England held for the Province by trustees in London. The report of this joint committee of the two houses reveals the healthy financial condition of the Province. At this time when paper money in so many of the colonies was at a great discount, the bills of credit of Maryland showed no depreciation and there was a large balance in the sinking fund. Students of Maryland finance in the colonial period will find this report on the condition of the Loan Office discussed in detail in a later section of the introduction (pp. lx-lxii).

As usual, at this session a special committee appointed for the purpose, reported on the condition of the arms and ammunition of the Province. The report, like its recent predecessors, told of the shameful neglect of the arms stored in various places in Annapolis. The report will be found discussed elsewhere (pp. lxii-lxiii).

The struggle between the two houses of the Assembly in regard to the adoption of the Journal of Accounts had prevented for several years provision being made for back pay to certain Maryland soldiers, officers of the late war, who on account of notable service were especially deserving of consideration. Petitions were presented at this session urging the claims of various officers. The committee appointed by the Lower House passed upon these claims, and in a report to the house stated to what allowances they were severally entitled. The bill passed by the Lower House providing for the payment of certain expenses incurred in the late war was rejected in the upper chamber, which declared that it would not receive its assent because there were other creditors of the Province equally entitled to payment. These claims by officers are discussed more fully later (pp. lxv-lxvii).

On December 20 the Lower House sent an address to the Governor calling his attention to the fact that the treasurers of the two shores had been very remiss in their duties, and had presented no accounts either at the last, or the present session, although it was notorious that they had in their hands large sums of money belonging to the public, raised under acts requiring accounts to be laid before the Assembly at each session. The Governor was requested to order the bonds of the treasurers to be put in suit for this neglect (p. 260). At this time the Treasurer of the Western Shore was Charles Hammond, and of the Eastern Shore Edward Lloyd. Both were members of the Council.

On November 15 the Lower House appointed two special committees to report on controversial subjects involving the relations between the Lord Proprietary and the people. A committee of ten headed by James Hollyday was ordered to report its opinion by what right the Lord Proprietary took to himself the fines and forfeitures arising under the common law, and whether these ought not to be applied to the support of the Provincial government and an account as to them rendered the public. This committee was also to enquire as to the amount of all duties, imposts, and other sums collected by the Proprietary and his officers, now claimed by him for his own use, and whether a public accounting of these should not be rendered (p. 157). This committee, did not make a formal report at this session, but much of the data asked for by the house will be found in the acrimonious messages exchanged between the two houses. A committee of eight headed by Brice Thomas Beale Worthington was also appointed and directed to report to the Assembly as to the various lucrative offices of the Province and the annual profit from each office (p. 157). No report seems to have been made at this session.

The committee appointed early in the session to report upon "the State of the several Public Offices" made no report until the day before adjournment, when it reported that at this "advanced Season of the Year the Dampness of those Offices and the close Attendance of your Commee" in the house, have prevented a thorough examination, but it was noted in comparing several original wills with the records in the Commissary's Office, that not one of them was found in which the original agreed with the record (pp. 139, 256).

Petitions. The usual way of bringing to the attention of the Assembly requests for local legislation and for private acts, was by petition. Petitions were generally first presented in the Upper House, and if in the opinion of this body they were worthy of consideration, they were sent to the Lower House. Occasionally petitions were presented first in the Lower House but this was unusual. At this November–December, 1765, session there were presented a number of petitions relating to parochial or church matters asking authority to levy assessments or poll taxes for the erection of new, or the repair of old, churches, chapels of ease, and vestry houses, for the division of parishes, and for the alteration of parish lines. There were the usual number of petitions from languishing prisoners confined in county jails for debt. There were also a number of petitions relating to the establishment, or discontinuance, of tobacco warehouses, and requests for the appointment of inspectors of tobacco. Baltimore Town petitioned for legislation relating to a town market and also for the enlargement of the town. There were a number of petitions asking for back pay from officers and privates in the late war. There were two petitions praying special legislation to enable executors or administrators to sell lands or settle estates. In a few cases the journal of one or both the houses simply records the petition by an individual without indicating what the petitioner sought. By petition the attention of the Lower House was called to a disputed election, the result of which was the unseating of Walter Dulany as one of the delegates from Annapolis (pp. lxiii-lxv).

The nature of the petitions presented to the Assembly at the November–December session by Thomas Schley and John Jeremiah Myar, administrators of Daniel Davis of Frederick County and by John Jeremiah Myar, a merchant of Frederick County, are not disclosed by the record. They were referred by the Upper House to the lower chamber which appointed a committee of inquiry to report, but no report was made at this session (pp. 52, 160, 173). An act passed at the May, 1766, session authorizing the sale of certain lands to Myar shows that the petitioners sought authority to give a good title to land (Hanson's *Laws of Maryland made since MDCCLXIII; 1787;* acts of 1766, chapter 1). When at this same session the petition of Nathan Baker, executor of Jethro Brown, was presented, it met the same fate as it had at the October–November, 1763, session; no action was taken upon it (p. 142; *Arch. Md. LVIII;* xxix). Why the Reverend Thomas Bacon, the rector of all Saints Parish, Frederick County, and the author of *Laws of Maryland at Large,* 1765, should have petitioned the General Assembly, and why the petition was later withdrawn is not disclosed by the record (pp. 43, 140, 145, 158). Perhaps it had something to do with the sale of copies of his *Laws* to the Provincial authorities.

Schools. The Assembly at the 1765 sessions devoted little attention to schools and education. The agitation for a college at Annapolis was not renewed. By an act passed on December 12, 1765, the Visitors of the Kent County school were empowered to lay out part of the land belonging to the county school in Chestertown in lots not exceeding two acres each and to lease these lots to the highest bidders for a period not exceeding twenty-one years. The act recited that by a law passed in 1741 the then visitors had been empowered to lease out one moiety of the school land with the exception of ten acres, and that the other moiety having become a "common" land, it was now useless to the school (pp. 296-297). At this session a bill was introduced in the Lower House and referred to the consideration of the next Assembly, described as an act supplementary to the "act for the Encouragement of Learning & erecting Schools in the several counties". Its nature, however, is not disclosed by the record. The house ordered that action upon it be postponed until the next Assembly (pp. 171, 179, 195).

Care of the poor. The care of the dependent poor and infirm in Maryland had from the earliest times been provided for by placement in private homes. Two far-separated sections of the Province united in asking the Assembly at the November–December, 1765, session for the enactment of legislation for the care of the poor, which is of some social interest. Petitions were presented in the Upper House from the inhabitants of Baltimore, Anne Arundel, and Worcester counties, praying for the establishment of "hospitals or work-houses" in their respective counties. The upper chamber in referring these petitions to the Lower House sent with them an accompanying message saying that the people of those counties were desirous of being "relieved from the great & heavy Charge, arising from the Allowance made for the Support and Maintenance of the Poor", and that that house was anxious "to see some better Regulation of this Matter universally introduced into this Province". The message said that from an examination of the levy lists of ten counties which had reported to the clerk of the Council for the past year (four counties not having yet reported), it was found that the poor rate for these ten counties reached 1,307,642 pounds of tobacco, and it referred to the Lower House for its consideration, the question "Whether the Erection of Work-houses or

Houses of Correction, in all the Counties, would not give great Relief to the Inhabitants in the annual Levies, afford more regular and better applied Provision for the Poor, check the Disorders committed by common Beggars & idle Vagabonds, and lay a Foundation for useful Industry" (pp. 49-50, 156, 157). Later at this session Prince George's County joined the other three counties in petitioning for the erection of a workhouse, and also for the rebuilding of its prison (pp. 78, 172). The Lower House laid the matter on the table and no further action seems to have been taken upon it at this session. It is to be noted, however, that at the 1768 session an act was passed appointing trustees of the poor in Anne Arundel, Prince George's, Worcester, Frederick, and Talbot counties, with power to make regulations for the care of the poor, and for the punishment of vagrants, beggars, and vagabonds, and authorizing a poll tax of twenty pounds of tobacco in these counties for the erection of almshouses and work-houses (Hanson's *Laws of Maryland made since MDCCLXIII; 1787;* acts of 1768, chapter xxvix). At the 1765 session Colonel Edward Tilghman did not reintroduce the remarkable bill which had been brought forward by him and had failed of passage at the October–November, 1763, session, obliging "county pensioners to wear badges", doubtless to prevent them from imposing upon private charity (*Arch. Md.* LVIII; xxxv).

Baltimore Town at this session secured legislation both for the enlargement of the town and to enable it to lease land for a market. Cornelius Howard, the owner of land adjoining Baltimore Town on the south and west, and sundry inhabitants of the town petitioned the Assembly for authority to have added to the town a tract of thirty-five acres belonging to him (pp. 44, 263). The petition was referred by the Upper House to the lower chamber, and resulted in the passage by both houses of an act for the extension of the town to the southwest (pp. 142, 176, 177, 179, 58). Under this act "for the further enlargement of Baltimore Town" the commissioners of the town were ordered to have these thirty-five acres surveyed and laid out into lots and streets at the expense of Cornelius Howard, this addition to be thereafter esteemed as part of the town (p. 263). It was long known as Howard's Addition, and was an addition to the western and southwestern portion of the original Baltimore Town. It was of irregular shape, and lay in a general way within the bounds of what are now south Charles Street on the east, Liberty Street on the west, Barre Street on the south, and Saratoga Street on the north. It is of interest that although an act for the enlargement of Baltimore Town was of public importance, it was classed with private acts in that fees or taxes were paid in both houses by Howard, £8 to the Speaker and £4 to the clerk of the Lower House and similar fees to the officers of the Upper House (p. 250). Cornelius Howard was the father of General John Eager Howard, one of the most extensive owners of land in what is now Baltimore, and one of its most conspicuous and public-spirited citizens.

The commissioners of Baltimore Town had leased in 1763 from Thomas Harrison (after whom Harrison Street is named) a lot of land at the northwest corner of Baltimore and Gay streets and had erected a town market upon it by public subscription. It was found that the lease was legally defective because the town commissioners had not been given the necessary legislative authority to execute a lease, although authority had been given them to make town regulations and to recover claims (p. 186). An attempt had been made at the October–November, 1763, session to obtain this authority and thus validate the lease, but because of a dispute between the two houses, no validating act had then been secured. The Upper House had insisted upon the appointment of market employees (clerks) by the county justices, and the Lower House that they be "elected and chosen" in a way not disclosed by the record, but doubtless by the town commissioners. The Lower House had also refused to accept an Upper House amendment adding the phrase "saving to his Most Sacred Majesty and to the Lord Proprietary and all other bodies politick and corporate their several respective rights", because of the fear of the lower chamber that this might give some preferential claim to the Proprietary to fines or forfeitures imposed under the act, which it was felt should go to the public and not to him (*Arch. Md.* LVIII; xxxii-xxxiii). Public demand for the establishment and proper regulation of the market had, after two years delay and inconvenience, doubtless forced from the Lower House a reluctant acceptance of these Upper House amendments, for there was no discussion of them at this session and they are to be found incorporated in the act as passed by the Assembly (pp. 305-309). At the November–December session a petition was presented from the inhabitants of Baltimore Town requesting legislation that would validate this lease and enable the town commissioners to make rules for the management of the market; and the Lower House appointed a committee which recommended that the relief asked for be granted (p. 186). An act which confirmed the lease as previously executed was passed, and provided rules and regulations for the management of the market, one of these being that no slaughtering be permitted in the market-house, and another that no horse be allowed to enter it. It should be recalled that at the March–April, 1762, session a similar act had been passed for the establishment of a market in Chestertown with regulations for its management.

Linen manufacture. An act of no little interest to students of Maryland industries but with a somewhat misleading title was passed by the Assembly at this session. It was really an attempt to encourage linen manufacture in Maryland. Its title was "an act for the benefit of the poor and the encouragement of industry", and it provided for the payment of bounties or prizes to those who made the best linen from flax or hemp grown in the Province. Its purpose was to encourage the raising of hemp and flax "as the making of linnen Cloth of Flax and Hemp of the growth of this Province would be of great Advantage to the Inhabitants thereof". Introduced in the Lower House on November 20, the house by the close vote of 23 to 22 decided that the linen must be made in the county where the bounty was paid (p. 165). It passed the bill and sent it to the Upper House, where an amendment was added providing that not only must it be sworn to before two justices that the flax or hemp be the growth of the Province, but that the linen made of it "be manufactured by White Persons within this Province" (pp. 54, 170-171). This was doubtless to encourage the manufacture of linen by small planters and not on the larger plantations by slaves. The Lower House accepted these amendments and the bill was passed (pp. 267-269). The act provided that a bounty of 1100 pounds of tobacco be paid to the person who shall bring to the August court of each county "the best piece of Linnen Cloth of twenty-five Yards at least in length and one yard at least in breadth"; for the second best piece nine hundred pounds of tobacco, for the third best piece eight hundred pounds of tobacco, with a declining sliding scale of bounties for the fourth and fifth best pieces. These bounties were to be paid on the basis of "the quality and whiteness" of the linen submitted. Other bounties, somewhat smaller, were to be paid on a similar sliding scale to other manufacturers of linen, based only on quality and not on whiteness. Care was to be taken that more than one reward be not given for the same sample. The act does not seem to have accomplished the purpose for which it was passed, for with a time limit that it expire in five years, it was not reenacted when it then expired.

Fish conservation. Measures for the conservation of fish occupied the attention of the Assembly at the November–December, 1765, session. A bill, which was really a fish conservation measure, but with the misleading title "An Act to prevent the Navigation on Potomack River, Monokasy, and Conecocheague Creeks being obstructed", was passed on November 21, 1765, by the Lower House, and sent to the Upper House (pp. 150, 167). From there it was returned with amendments (pp. 57, 176), to which the Lower House demurred in a message which that house approved by a vote of 27 to 7 (pp. 186, 187). To this rejection the Upper House replied in a return message, explaining why it had added the amendments (pp. 68, 189-190). From these messages it is learned that the Lower House passed the bill because a dam and saw-mill, stated to be the only one on Conecocheague Creek, had been so constructed that it obstructed navigation, and this "by a trespasser on the property of another contrary to the laws of the Province & that under the bill submitted [by the Lower House] he was being very tenderly dealt with . . . . in only being obliged to make a sufficient lock" to the dam. The Upper House felt, on the other hand, that anything that was already built on private property "under the faith of the law", should not be affected by any subsequent act which would prove an injury to private property rights (p. 68). The Upper House refused to recede, so the bill was allowed to die.

From what follows it seems certain that the purpose of this bill "to prevent navigation being obstructed", was the conservation of fish in Conecocheague Creek. One also wonders whether a certain Martin Kirshner, described as a miller of Conecocheague Creek, Frederick County, who made a deposition in the Lower House on December 14, 1765, in regard to the armed mob reported to be collecting in Frederick County to march on Annapolis to enforce the passage of the Journal of Accounts (p. 234), may not have been the owner of the dam on Conecocheague Creek which gave rise to this Lower House bill. On November 27, 1765, a bill was introduced in the Lower House "for the preservation of the breed of fish", which was read once and, by order of the house, was referred to the next Assembly (pp. 150, 181, 191). Its scope is not disclosed by the record, but it was doubtless of the same character as the act passed in 1768 with the same title, to be later referred to. Other bills with this same title had met a similar fate at the 1762 and 1763 sessions. It is not clear just what was the significance, in connection with the two bills just discussed, of still another bill introduced in the Upper House by Daniel Dulany on November 22, 1765, and passed in that house the next day, entitled "An act to repeal an act for the encouragement of such persons as will undertake to build water mills" (pp. 55, 174), but it is certain that soon after it reached the Lower House it was, without explanation, rejected, and returned to the Upper House (pp. 61, 185). Its purpose may well have been to do away with, or prevent the erection of, dams which interfered with movements of fish; it was almost certainly rejected by the Lower House because of features objectionable to that body, such as the disposition of fines imposed under it.

It was not until three years later when separate acts for "regulating navigation" on the Potomac and its tributaries, and "for the preservation of the breed of fish" were enacted. At the May, 1768, session there was passed "an act to prevent any obstruction to the navigation of the river Potomack", which provided "that all fish dams or other devises for catching fish" be pulled down and all new erections of this kind be prohibited (Hanson's *Laws of Maryland made since MDCCLXIII;* acts of 1768, chapter V). At the same session there was also passed "an act for the preservation of the breed of fish" which prohibited "the erection of wears (wiers), dams, pots, and other devices" on the Susquehanna and Patuxent rivers by which fish may be obstructed from going up or down the river, and all such devices were declared illegal. The preamble cites that the reason for the enactment of this law was that for many years past large quantities of young fish unfit for use have been thus taken by which the number of fish in the rivers of the Province have been much diminished (Hanson's *Laws of Maryland made since MDCCLXIII;* acts of 1768, chapter IV).

Dog licensing. What was virtually an act for licensing dogs, apparently the first law of this character to come before a Maryland legislature, was passed at the November–December, 1765, session. A bill imposing taxes upon "housekeepers" who kept more than one dog was the cause of no little difference of opinion, not only between the two houses but among the delegates themselves, as is shown by the number of divisions with recorded votes to be found in the journal of the Lower House. The interest in this bill was of course due to the fact that every household kept dogs, and because of the danger to sheep and other stock from dogs running at large, as is indicated by its title, "An Act to prevent the mischiefs arising from the multiplicity of useless dogs". With the details of the act we need not concern ourselves here. As showing the interest in the subject, when the bill, after its passage, was sent by the Lower House to the Upper House, fourteen amendments were added there (pp. 55-57), in most of which the Lower House finally acquiesced (p. 182). The bill was then passed and became a law (pp. 274-278). The act imposed a license fee dependent upon the size of the household, and provided how damages might be recovered by owners of sheep or hogs which had been injured or killed by dogs. It also provided that convicts or negroes found "rambling with dogs" should be whipped (p. 277).

Weights and measures. The maintenance of the correct standards of weights and measures was a matter of great importance to the public. It may be recalled that at the October–November, 1763, session a bill was introduced to strengthen the act relating to the standard of English weights and measures, and that this bill failed of passage because the Upper House had amended the bill as it had been passed by the lower chamber, by giving to the Lord Proprietary one third of any fines collected for its violation, fines which under the Lower House bill were to be equally divided between the public and the informer (*Arch. Md.* LVIII; xxxvii). When the bill was again passed by the Lower House at the 1765 session the Upper House did not bring up its former demand, and it became a law without further controversy between the two houses, although under it the fines were to be equally divided between the informer and the public, and to be applied as the Assembly might direct (pp. 262-263).

Apprentices. Difficulties about apprentices were a constant cause of litigation and took up a great deal of the time of the county courts. A bill was introduced in the Lower House under the title "an act to ease the Inhabitants of this Province to bind out the persons therein mentioned apprentices". It passed the Lower House but was rejected by the Upper House (pp. 171, 177, 184, 199, 73, 75, 204). The nature of the bill is not revealed by the journal of either house, but an examination of the act with a similar title, passed at the November–December, 1766, session, doubtless discloses the general purport of the bill (Hanson's *Laws of Maryland made since MDCCLXIII; 1787;* acts of 1766, chapter XV). The act of 1766 made provision for apprenticing children whose fathers had left the Province, or had removed to other counties, without providing for their support, but restricted the selection by the court to masters or mistresses who were Protestants.

Roman Catholics. The Roman Catholic question, although smouldering, did not flare up at this session. It will be recalled that an attempt had been made at the March–April, 1761, session, and again at the 1763 session, to rectify the injustices suffered by alien or unnaturalized landholders, and purchasers of land from them, in the matter of their land titles. But at both sessions, because the Lower House would only assent to a bill which discriminated in favor of Protestant landholders and penalized Roman Catholic landholders, legislation at both of these sessions failed of passage. This question has already been fully discussed by the editor in introductions to previous volumes of the *Archives* (*Arch. Md.* LVI; lxiii-lxvi; LVIII; lxv-lxvi). At the November–December, 1765, session, a bill involving this same Catholic question, "an act for the Security of Purchasers and others claiming by and from Aliens", was introduced in the Lower House, passed, and sent to the Upper House (pp. 172, 184). There it was amended by deleting the words "Protestant" and "Papist" wherever they occurred in the bill, obviously for the purpose of removing from it all discrimination against Catholics. As no copy of the bill is known to exist we cannot tell with certainty to what extent, or in what way, it discriminated against Catholics, but there can be no question that as drawn up in the Lower House it denied a good title in land to alien

Roman Catholics who had not been naturalized and to those who had purchased land in good faith from them (pp. 77, 214). The Lower House refused to acquiesce in the Upper House amendment and disposed of the whole matter by postponing its consideration until January 1, 1766, when it knew the Assembly would no longer be in session (pp. 172, 184, 77, 214, 232). The act of 1735 imposing an import duty on negroes, several sorts of liquors imported, and on "Irish servants to prevent the importing too great a Number of Irish Papists into this Province", had been several times extended, and was again continued for seven years at the November–December session (p. 288). An entry in the Accounts of the Clerk of the Council, under date of May 10, 1757, allowing him a fee for "recording the representation relating to Roman Catholic schoolmasters and orders requiring them to take the oaths to the Government", although a belated record, is duly recorded in these proceedings (p. 116). These are the only direct references to Catholics to be found in the proceedings of the 1765 sessions. In the preceding paragraph it has been noted that a bill relating to apprentices, passed by the Lower House and rejected in the upper chamber at this session, would have apparently required the county courts in apprenticing children who had been deserted by fathers, to select only Protestant masters, irrespective of the religion of the parents.

Indians. Indian affairs were almost entirely quiescent in the Province during 1764-1765 as far as the journals of the two houses reveal. When a committee of the Lower House was appointed at the November–December session to enquire what acts were about to expire by time limitations, among those reported to the house were the acts of 1763 (1) prohibiting all trade with the Indians, and (2) offering a bounty of £50 for every enemy Indian captured and for every enemy Indian scalp (p. 170; *Arch. Md.* LVIII; lxxii). Obviously the need for such laws had now passed and they were allowed to die.

Negro slaves. There had evidently been difficulties about negro slaves from distant localities or from other colonies who claimed that they were free. To obviate this uncertainty a bill was introduced into the Lower House "to compel free Negroes and Mulattoes to procure Certificates of their freedom", which they would be obliged to show to avoid arrest as runaways, but action upon it was deferred until the next Assembly (pp. 214, 222, 229). A "remonstrance" from the inhabitants of Prince George's County against negroes stealing sheep and hogs, and against dogs destroying them, was referred by the Upper House to the Lower House, but no legislation at this time resulted from it (p. 52).

Ordinary licenses. The disposition of licenses from inns or ordinaries had been a subject of dispute for three quarters of a century between the people as represented by the Lower House, and the Upper House as representing the Proprietary, who claimed the license fees and the fines for himself as his prerogative. During the past decade the dispute had flared up with renewed acrimony and had been the cause of innumerable messages between the two houses at recent sessions. Its recent history has been discussed by the editor in the preceding volume of the *Archives* (LVIII; lxvii-lxix) dealing with Assembly matters. At this November–December, 1765, session of the Assembly, however, it only came into the open in the form of a bill introduced in the Lower House under the title "an act for regulating Innholders and Ordinary Keepers within this Province". For some reason it did not follow the usual course in the Lower House of bills licensing ordinaries, for after it had been read once, at the second reading it was referred to the consideration of the next Assembly. Why it did not follow the usual course of passage by the Lower House and rejection by the upper chamber, is not clear. Possibly rumors that the Proprietary was about to give up his claims to the licenses had been spread abroad and may have influenced the Lower House to adopt a less aggressive attitude than usual. This was to be the last time that the question of ordinary licenses as a controversial matter was to come before the Assembly, for in the year following the Proprietary on the advice of Daniel Dulany finally gave up his fight for the license fees.

Legal procedure. In all some eight Lower House bills involving changes in Maryland legal procedure were rejected by the Upper House at the November–December, 1765, session. Several of them had met a similar fate at the October–November, 1763, Assembly, as has been noted in an earlier volume of the *Archives* (*Arch. Md.* LVI; xxxviii). Although no copies of these rejected bills are known to be in existence, it may be safely said that in their general purposes the proposed legislation was meritorious. These bills were rejected in the Upper House, either because they were considered hostile to the prerogative of the Lord Proprietary by attempting to divert to public uses fines or forfeitures claimed by him personally, or because they were intended to extend the jurisdiction of the county courts at the expense of the provincial courts at Annapolis, which were more directly under the control of the Proprietary than were the county courts. In several instances, however, bills affecting legal procedure, which were rejected at this session, were passed a few years later, but with what changes we do not know. The bills affecting legal procedure passed by the Lower House and thrown out in the upper chamber, or upon which the Lower House deferred action until the next Assembly, were as follows: (1) for the better regulating of proceedings upon attachment; referred to the next Assembly when an act with this title was passed (pp. 142, 202, 229); (2) for the better security of purchasers and others claiming by or from aliens; a bill designed only for the security of Protestant purchasers, was so amended in the Upper House as to protect both Protestants and Roman Catholics, and was therefore unacceptable to the Lower House (pp. 172, 177, 184, 60, 77, 214, 232); (3) for the trial of all matters of fact in the several counties where they have arisen; rejected in the Upper House (pp. 53, 142, 146, 166, 79, 158), although an act of this title was passed in May, 1766 (Hanson's *Laws of Maryland made since MDCCLXIII; 1787;* acts of May 1766, chapter v); (4) for issuing writs of replevin out of the county courts (pp. 142, 179, 184, 187, 60, 62); (5) for the speedy foreclosure of mortgages; referred by the Lower House to the next Assembly (pp. 146, 173, 187); (6) supplementary act to the act for the speedy recovery of small debts out of court, before one justice; rejected in the Upper House (pp. 142, 145, 161, 162, 163, 165, 53); the original act itself was, however, continued at the November, 1766, session (Hanson's *Laws of Maryland made since MDCCLXIII; 1787;* acts of December 1766, chapter iii); (7) to aid defective common recoveries; passed by the Lower House; an act of the same title was passed at the November, 1766, session (Hanson's *Laws of Maryland made since MDCCLXIII; 1787;* acts of November 1766, chapter xxi) (pp. 150, 153, 179, 185, 50, 61, 77, 79); (8) "to prevent Lands and Stock appropriated to the Use of Iron Works being divided into Dower and Thirds, and to enable Women under Age to preclude themselves from Dower and Thirds by Agreement before Marriage with their intended Husbands" (pp. 172, 176); the purport of this act, other than what is indicated by the title, is not disclosed, but one may assume that the dower rights of the widow of some joint owner of one of the several important iron companies of the Province, by her claims for dower, had, on some recent occassion, entailed upon the other joint owners considerable legal difficulties. The bill was laid on the table where it apparently slept.

Summary of legislation. Little new legislation of importance was enacted at this session. In all twenty-five new acts, of which two were private laws, were passed; and fourteen old laws about to expire were continued. Many of these new acts have already been discussed, or are referred to elsewhere in this introduction. Six laws relating to churches and parishes were enacted. Authority was given to the visitors of the Kent County School to lease school land (pp. 296-297). There were acts: for the further enlargement of Baltimore Town (Howard's Addition) (p. 263); to encourage the growing of flax and hemp for the manufacture of linen (pp. 267-269); to validate a lease of land in Baltimore Town for a market and to authorize regulations for its management (pp. 305-309); for the relief of sundry prisoners languishing in county jails for debt (pp. 278-282); for licensing dogs (pp. 274-278). Acts of a purely local nature were also passed: one authorizing the construction of a road from Hunting Creek, Dorchester County to Dover, Talbot County, to connect with the ferry kept at Dover by Henry Troth (pp. 285-286); another relating to the killing of crows, squirrels, and red foxes in certain counties (pp. 309-311). Two acts were passed relating to the courts: one increased the pay of jurors attending the provincial and county courts (pp. 303-305); the other revived cases pending in the Cecil County court which had been terminated when commissions for a new bench in that county were issued (pp. 270-271). Two acts relating to legal procedure were passed: one of these acts provided that local and foreign protested bills of exchange rank alike as debts (p. 264); the other supplemented an act for limitation of certain actions for voiding suits at law by depriving those persons absent from the Province of any advantage because of their absence (p. 283). The usual act for the publication of the new laws passed at recent sessions and of the Votes and Proceedings of the Lower House, styled an act "for the encouragement of Jonas Green, the public printer," was passed (pp. 311-314). A law was passed authorizing the trustees of the Loan Office to purchase for the use of both houses of Assembly from some London merchant, at a cost of not over £25 sterling, a record book, parchment paper, ink powder, and quills (p. 322).

Private acts. Two private acts were passed at the November–December session. Mary Covington, the widow and administratrix of Philip Covington of Somerset County, petitioned the Assembly for authority to sell certain lands belonging to his estate to pay various persons to whom he had been indebted (pp. 44, 271-274). The petition was referred by the Upper House to the Lower House, which appointed a committee to inquire as to the facts set forth in the petition. This report, which showed the various debts due by Covington, resulted in the introduction and passage of a bill giving the widow the desired authority to sell certain specified lands and pay the debts (pp. 163-164). The act as passed showed that Philip Covington died September 1, 1763, leaving four minor children, three sons and a daughter, a personal estate amounting to £184: 0: 5, and sundry tracts of land; that his debts amounted to £406: 3: 9¼ current money besides obligations by him as co-surety with Nehemiah Covington, now insolvent, to the amount of £101: 17: 7. The executrix was given authority to sell at public vendue the tracts Covington's Conclusion, Covington's Adventure, and Sweetwood, lying in Somerset County, to enable her to pay her late husband's debt (pp. 271-274).

A petition was presented in the Upper House from Anne Ogle (the widow of Governor Samuel Ogle), Benjamin Tasker (President of the Governor's Council) and John Hammond (member of the Lower House), asking the authority of the General Assembly for the sale to John Hammond of certain lands in Anne Arundel County belonging to the estate of Samuel Ogle (pp. 50, 283-284). The petition was referred to the Lower House where a committee was appointed to examine into the facts alleged in it. This committee reported that Samuel Ogle by his will dated February 11, 1752, devised to his son, Benjamin Ogle, his heir at law, his house and lands in Prince George's County and elsewhere, together with all his slaves and stock "except his English Horses and their Breed", and that it would be of advantage to the heir, that the Anne Arundel County land, which was unproductive, be now sold and the proceeds invested for his benefit (pp. 174, 175-176). The report of the committee and the act give most interesting information about the Ogle family and their noted estate Bel Air in Prince George's County. Anne Ogle, one of the petitioners, was the mother of the heir at law Benjamin Ogle, afterwards Governor of Maryland, and Benjamin Tasker, her father, President of the Council, was his guardian; John Hammond, to whom the Anne Arundel property was sold for £150 sterling, was at the time a member of the Lower House (pp. 283, 285).

Adjournment of the Assembly was hurried by a flare-up of the smallpox epidemic in Annapolis and by the death of one of the delegates from this disease. The victim of smallpox was Col. Henry Travers of Dorchester County. On December 18 the house ordered the Speaker to issue a writ for the election of a delegate to succeed Travers (p. 251). The Lower House notified the Governor the same day that it would not be possible to keep a sufficient number of members together to compose a house more than a day longer, and asked for a prompt adjournment, as there was no more public business to transact. The delegates were thereupon summoned by the Governor to the Upper House, who, after signing a few belated bills in their presence, on December 20 in a brief speech prorogued the Assembly until the first Monday of March 1766 (pp. 251, 260, 261). It did not meet again, however, until May 9, 1766.

The more important questions which came before the Assembly at this session, and which deserve further consideration, will now be taken up under their several headings.

STAMP ACT

On the opening day of the session, September 23, 1765, the Stamp Act came under consideration by the Assembly, although Governor Sharpe had made no mention of it in his opening speech. The late deputy postmaster of Annapolis, Jonas Green, and the then deputy postmaster, Anthony Stewart, delivered to the Speaker of the Lower House letters from the House of Representatives of the Province of Massachusetts, which were read in the Lower House of Assembly and ordered to lie on the table. These were the circular letters which the House of Representatives of Massachusetts dispatched to the houses of representatives, or burgesses, of the several colonies, requesting them to send delegates to a meeting to be held in New York on the first Tuesday of October to implore the King and Parliament to grant relief from the threatened enforcement of the Stamp Act, recently enacted by Parliament. The Massachusetts house said that at a session of its general assembly held in May last it had been informed of the act of Parliament relating to the sugar trade with foreign colonies and the resolution of the House of Commons relating to the Stamp duties and other taxes that it was proposed to impose on the colonies, which would deprive them of the right of assessing their own taxes and their right of freedom from taxes imposed upon them without their own consent. The letter further declared that the house felt that if "no Remonstrance is preferred on the part of the Colonies such Silence must be interpreted as a tacit cession of their Rights and an humble Acquiescence under all their Burden", and that their agent in England [Jackson] informed them that in a conference with Mr. Greenville [sic], he had been told that "the ministry were desirous of Consulting the ease and quiet and Good will of the Colonies". It was therefore hoped "that humble dutifull Remonstrances may yet have their effect". The house had directed its Agent to endeavor to secure the repeal of the act, and it was "desirous of the united Assistance of the several Colonies in a petition against such formidable Attacks" upon the rights and the liberty of commerce and the property of the colonies. The house had appointed a committee to inform the other colonies what steps Massachusetts had taken. The letter, dated June 13, 1764, was signed by the members of the committee appointed by the house, James Otis, Thomas Cushing, Oxenbridge Thacher, Thomas Gray, and Edward Sheaffe.

There was also laid before the Lower House of the Maryland Assembly a letter dated June 8, 1765, signed by Samuel White, Speaker of the Massachusetts House of Representatives, proposing that a meeting of representatives from the various colonies be held in New York the first Tuesday of October and asking that Maryland send representatives. The letter requested, that if Maryland agreed to this proposal, a notice be promptly sent to the Speaker (pp. 18-20).

On the second day of the session, the day after these letters from Massachusetts had been read, the Lower House unanimously resolved that three of its members be appointed "a committee" to attend the meeting in New York. The house then ordered that a message be dispatched by the Speaker to the committee of the Massachusetts house, then in New York, notifying it of the action of the Maryland Lower House. Colonel Edward Tilghman, William Murdock, and Thomas Ringgold were appointed as the Maryland representatives, and a committee of seven, headed by James Hollyday, and with him, Johnson, Key, John Goldsborough, Hammond, Wolstenholme, and Hanson, was appointed to draw up instructions for the guidance of the three representatives. In keeping with the importance and solemnity of the occasion it was ordered that the English Petition of Right and the Bill of Rights be read (pp. 21-22). The house then resolved that no other business would be considered at this session except that relating to the Stamp Act (p. 21). Two days later an attempt was made to expunge this order from the journal without success, the house voting 38 to 14 in the negative. Most of those voting to expunge were members of the Proprietary party (pp. 26-27).

On September 25 the committee, headed by James Hollyday, appointed to draw up instructions for the Maryland representatives, brought in its report. It advised that the three gentlemen selected repair immediately to the city of New York to join with the "representatives of the other Colonies in a General and United dutiful Loyal and humble Representation to his Majesty and the British Parliament of the Circumstances and Condition of the British Colonies and Plantations and to pray relief from the Burthens and Restraints lately laid on their Trade and Commerce and especially from the Taxes imposed by an Act of the last Session of Parliament Granting and Applying Certain Stamp Duties and other Duties in the British Colonies and Plantations in America Whereby they are Deprived in some Instances of that invaluable privilege of Englishmen and British Subjects Tryals by Juries that they take care that such Representation shall humbly and decently but expressly contain an Assertion of the Rights of the Colonists to be Exempt from all and every Taxations and Impositions upon their Persons and propertys to which they do not Consent in a legislative way either by themselves or their Representatives by them freely Chosen and Appointed" (pp. 22-23). The report of the committee on instructions was concurred in, ordered engrossed, and the next day signed by the Speaker (pp. 25-26).

On the same day that the Lower House had ordered that instructions be drawn up for the guidance of its representatives, the "House taking into Consideration the Many Grievances the Good People of this Province will Suffer if an Act passed in the last Session of Parliament of Great Britain for imposing Stamp Duties upon the Inhabitants of the several Colonies of America be Carried into Execution", ordered that a committee be appointed to "Draw up Resolves declarative of the Constitutional Rights and Privileges of the Freemen of this Province". A committee of twelve, to which two additional members were soon afterward added, headed by Murdock, was appointed for this purpose (pp. 23, 28). On September 27 this committee brought in its report together with the resolves it had drawn up. These were unanimously approved.

These resolves relative to the Stamp Act were under eight heads. Some of these eight subjects were of the same tenor as those regularly included in the resolutions or resolves adopted by the Lower House at each session following the election of a new Lower House, which have been described as in the nature of a bill of rights and a declaration of independence of Proprietary pretensions by the people of Maryland. In the present instance, however, the resolves adopted in connection with the Stamp Act may be looked upon in the light of a bill of rights and declaration of the independence of the Province from the pretensions of the British government to the right to tax the colonies. The resolves asserted not only the general rights of the people of Maryland as British subjects, but also their peculiar rights and privileges under the Maryland charter, exempting them from taxation except that imposed by themselves. The first resolve asserted that the original settlers had brought with them all the rights of British subjects and had transmitted these rights to their posterity. Second; that the Magna Charta and laws of England, confirmed by "the Petition and Bill of Rights", provided that subjects should not be taxed except by common consent in Parliament. Third; the Royal Charter given in 1632 by Charles I to Cecilius Lord Baltimore granted to those who should settle in Maryland and to their descendants full enjoyment of "all liberties, franchises, and privileges of this our Kingdom of England"; and that at no time thereafter should there be made "or cause to be Set any Imposition Custom or other Taxation . . . . within the said Province", and all "Officers and Ministers of us our heirs and Successors" are enjoined on "pain of our high Displeasure that they do not presume at any time to Attempt anything to the Contrary of the Premises". Fourth; "the Charter is Declaratory of the Constitutional Rights and Privileges of the Freemen of this Province". Fifth; that "Tryals by Juries is the Grand Bulwark of Liberty the undoubted Birthright of every Englishman and Consequently of every British Subject in America and that Erecting Jurisdictions for the Tryal of Matters of fact is unconstitutional" [a reference to the extensive jurisdiction given admiralty courts under the Stamp Act]. Sixth; that it is the "Opinion of this House that it cannot with any truth or Propriety be said that the Freemen of this Province of Maryland are Represented in the British Parliament". Seventh; that "His Majesty's liege People of this Ancient Province have always enjoyed the Right of being Governed by Laws [enacted by themselves] by which they were taxed, and that this right has never been forfeited but has always been recognized by the King and people of Great Britain. Eighth; that it is the "Opinion of this House that the Representatives of the Freemen of this Province in their Legislative Capacity together with the other part of the Legislature have the Sole Right to lay Taxes or Impositions on the Inhabitants", and that the imposition of any tax on them "under Colour of any other Authority is Unconstitutional and a Violation of their Rights" (pp. 31-32).

Just prior to the adoption by the Lower House of the eight resolves and the instructions to its representatives to the Stamp Act Congress, it had resolved that £500 current money be appropriated towards their expenses, and that if their expenses in the service exceeded that amount "this House will take care that they be repaid in the first Application of Public Money hereafter", any balance to be returned to the treasurer (p. 24). A message was then sent to the Upper House notifying it of the appointment of three delegates to meet in New York with commissioners of other colonies "to Consult together on the present Circumstances of the Colonies and the Difficulties to which they are and must be reduced by the Operation of the late Acts of Parliament for levying duties and Taxes on the Colonies and to Consider of a General and united dutiful loyal and humble Representation of their Condition to his Majesty and the Parliament and to Implore Relief". The message went on to request the concurrence of the Upper House in an ordinance appropriating £500 current money in conformity with the terms of the resolution previously adopted (pp. 25, 26). It was at this point that the Upper House was for the first time brought directly into the Stamp Act picture. On the same day the Upper House in a message in reply said that as it had not "at present any regular Notice of the Foundation of the Resolve referred to in Your Message of this day and it being necessary that We Should be apprised of it before We come to a Determination on the Subject of that Message We request that You will be pleased to Communicate it to this House" (p. 7). The Lower House replied by sending the letters received from the Massachusetts House of Representatives, which were "the foundation" of the resolve (pp. 25, 7).

The Upper House in a second message declared: "We approve of the Measures in sending Commissioners from this Province to meet such as have been appointed in the other Colonies in order to Consult together on the present Circumstances of the Colonies . . . . and to Consider of a General and United dutiful Loyal and humble Representation of their Condition to his Majesty and the Parliament and to implore Relief and therefore Shall Chearfully Concur in an Ordinance for the payment of £500 . . . . but We cannot concur even in a Vote and much less in an Ordinance of unlimited Credit". The Upper House then proceeded to amend the ordinance which had been sent to it. It added to the Lower House draft the provision that the delegates be required to lay before the Assembly "the Proceedings they shall join in with the Commissioners of the other Colonies". It also amended the ordinance by eliminating the provisions giving the delegates authority to spend more than the £500 appropriated and the promise to make a future grant for any expenses exceeding this amount (pp. 10, 11). The Lower House objected to these amendments, and the Upper House in a return message proposed a compromise, saying that as it was "desirous of cultivating particularly on this Occasion a Good Correspondence between the two Houses", it would agree to pass the ordinance without the insertion of the proviso that the delegates be required to lay before the Assembly a record of the proceedings of the meeting at New York, although it must insist upon the elimination of the promise to pay any expenses which the delegates might incur over the £500 appropriated (pp. 11, 29). The Lower House thereupon accepted the latter amendment and the ordinance was passed (pp. 29-30). The Lower House doubtless felt that to incorporate in the ordinance the requirement that the Maryland delegates make a report of the proceedings of the Congress to the General Assembly was a reflection upon their good faith. But the bickerings between the two houses over the ordinance did not stop with its passage. After its adoption by the Upper House the journal shows that it was returned to the lower chamber (p. 12). Just why this legislative procedure so upset the Lower House is not entirely clear, but that it was in some way considered an infringement of rights or customs, is revealed by this parting shot fired on the last day of the session in the form of a message from the Lower House, "it not having been usual for Ordinances to be returned from your House to ours after Assented to by you we herewith return the ordinance you sent us that the proceedings thereon may be as usual" (pp. 33, 13).

Just before adjournment Governor Sharpe sent separate messages of the same tenor to each of the houses asking what disposition he should make of the stamped paper which was daily expected to arrive. In his message to the Upper House he said "that the Master of the Vessel who may have Charge thereof will desire me to give Orders for its being Landed and Lodged in some place of Security, especially as the Person appointed to distribute the Stamps here, I understand left the Province. I should be glad to know how you would Advise me to Act on Such Occasion" (p. 13). In the message to the Lower House he added that in view of the recess the paper might arrive before he had an opportunity of again consulting it. The Upper House in an address in reply said that "As the Treatment of the Person said to be appointed Distributor of the Stamps for this Province, lately met with on his Arrival from England and the Behaviour of Numbers of the Inhabitants of these Colonies . . . . Affords great Room to apprehend that if the Stamp'd Papers destined for this Province where there is no Place of Defence or Security in which they could be Lodged were to arrive and be landed this time an Attempt at least would be made to destroy them". In order to prevent this indignity to the legislature of Great Britain, the Upper House advised that the commander of one of his Majesty's ships on the Virginia station be requested to receive it until proper provision for its care be afforded, or orders be received from the Ministry (pp. 13-14). The Lower House on the other hand refused to give any advice whatever to Sharpe saying "We should think ourselves extremely happy were we in Circumstances to Advise your Excellency on so new a Subject, But it being a matter of Importance and such as we do not think ourselves at Liberty to Advise in without the Instructions of our Constituents which we cannot now Obtain we hope your Excellency will think us excuseable for declining to offer you any Advise upon the Occasion" (pp. 35-36).

Discussion of Stamp Act matters first came before the November–December, 1765, session on November 4, when Governor Sharpe transmitted to the Lower House a message dated December 2, and with it a copy of a letter dated, Newcastle River, Delaware, October 27, 1765, from James Hawker, Commander of His Majesty's ship *Sardeine,* "anchored off Newcastle in the Delaware River", which the Governor recommended to the serious consideration of the members of the house, adding "that I should be glad to learn what Answer you think would be proper for me to return him". Captain Hawker in his letter to Sharpe said that at the request of the governors of Pennsylvania and New York he had taken the stamped paper on board the *Sardeine* until a place of safety could be provided, and that he understood some of this paper was brought to Maryland by the same ship, the *Royal Charlotte,* and imagining that the Governor had not yet had the opportunity of making the same application to him, and out of respect for him, he had also taken the Maryland papers on board, and begged the Governor's directions for its disposal (pp. 137-138). The Lower House on the day following appointed a very large committee consisting of fifteen members, headed by Edmund Key, one of the leaders of the Proprietary party, to prepare an answer to the Governor's message (p. 139). This committee brought in an address to the Governor which was assented to by the house, in which the house replied that it was "extremely sorry it cannot comply with your Request that we let you know 'what Answer we think it would be proper for you to return him' As it is not agreeable to the Sentiment of our Constituents that we should give your Excellency Advice upon the occasion" (p. 140). This was the second time that the Lower House had refused to give any advice to the Governor on the subject of the disposition of stamped paper (pp. 35-36).

On November 27 Edward Tilghman, William Murdock, and Thomas Ringgold, who had been appointed by the Lower House to represent Maryland at the Stamp Act Congress in New York, reported back to the house an account of "the Business by them transacted there," and they also submitted a copy of a letter sent by them to Charles Garth Esq., the agent of South Carolina in London, who was selected by the three Maryland delegates to represent the Province in Stamp Act matters in England, together with the address to the King and a memorial and petition to the Lords and to the Commons of the British Parliament. With these the three delegates submitted an account of their expenses "and of the Business by them transacted there as a Committee appointed by this House to meet Committees from the other Colonys" (p. 180). It was not until nearly a year later that the address to the King, the memorials and petitions to both houses of Parliament, the account showing the expenses of the three Maryland representatives, the proceedings of the Stamp Act Congress, and the letter to Charles Garth were printed by Jonas Green in pamphlet form, under the title: *Proceedings of the Congress at New-York.* This very rare pamphlet is reprinted in the Appendix of this volume (pp. 327-356). By a unanimous vote, the Speaker was directed to deliver the formal thanks of the house to these three gentlemen. The Speaker thereupon declared that the house had "fully considered the whole Proceedings of the Congress lately held at New York which you have laid before them and as a Testimony that they highly approve the manner in which you have executed the Great Trust reposed in you in every Respect they have unanimously resolved that the thanks of this house should be given you And it is with great pleasure I now do it as I am sensible that Conduct that has given such Satisfaction to the Members of this House will merit the Approbation of all the Well Wishers of this Country when the whole Affair shall at a proper Season be communicated to them". In reply to the thanks of the house communicated by the Speaker, the three representatives to the congress expressed their pleasure at the unanimous approbation of the house and the hope that they had "been in any Degree Instrumental in promoting the true Interests of Great Britain and her Colonies in North America" (p. 180). It is to be noted that no part of the proceedings of the Stamp Act Congress itself is to be found recorded in the journal of either house of the Assembly. Under an act passed December 20, 1765, relating to the sinking funds for the redemption of certain Maryland bills of credit, the three Maryland delegates, or "commissioners", who had attended the Stamp Act Congress in New York, were directed to turn over to the Loan Office the "considerable balance" in their hands of the £500 appropriated for their expenses. Although the amount unexpended is not given in the act (p. 321), as will be seen later, it amounted to £172:7:8 (p. 353).

The letter to Charles Garth from the three Maryland representatives to the Stamp Act Congress, and their account of the disposition of the £500 current money granted by ordinance for their expenses, are printed in full in the Jonas Green pamphlet on the proceedings of this Stamp Act Congress (pp. 353-356). This is the only place where the editor has been able to find either of these two Stamp Act items in print. The letter to Garth, one of some thousand words, dated October 26, 1765, and therefore obviously written from New York, after reciting the credentials of the signers and their appointment by the Lower House to attend the Congress in New York, explained to him that of the nine colonies represented at New York, only the members of the Congress from six of these colonies, of which Maryland was one, had actually signed the several addresses, the delegates from the other three colonies having only had authority to act, subject to the approval of their respective assemblies, although this approval was expected in the near future; that the remaining four colonies which sent no representatives to the Congress had been prevented from doing so because the governors of these colonies had either refused to call the assemblies into session, or had prorogued them to prevent legislative action, and the belief was expressed that before long these four colonies would also take affirmative action. Virginia was one of the latter group, and to the Maryland delegates was entrusted by the Congress the duty of sending to it an account of the proceedings of the Congress. The letter went on to say that the representatives from South Carolina at the Congress had given such favorable accounts of Mr. Garth's "careful and spirited Conduct with Regard to the Interests of that Colony, and that, together with your Declaration, which we find in those Letters [to the South Carolinians], that you enjoy an independent Seat in the British Parliament, induced us (as we have no established Agent at present for this Province, nor have yet been able to obtain a Law to Tax ourselves for that Purpose) to trouble you with our Request, that you will present the inclosed Address to his Majesty, and Memorial and Petition to the Houses of Parliament, and exert your utmost Interest and Abilities in behalf of this poor distressed Country, and of this Province in particular. . . . . We were intrusted with the Disposition of some money upon this Occasion, and inclose you a Bill of Exchange, on Messr. Capel and Osgood Hanbury, for One Hundred and Fifty Pounds Sterling, as a Compensation for your Trouble and Expence in this Affair". The writers add that the Maryland Assembly will meet the last of the month, and with the proceedings of the Congress before them it was probable that he would be written more fully, and furnished with further instructions and arguments on behalf of the colony. It was hoped that with a change in the Ministry that "a more enlarged View of the true interests of Great Britain, and her Colonies" will prevail, and that the rights and trade of the colonies will be given consideration. This letter is printed in full in the appendix (pp. 354-356).

The account of the disposition of the £500 current money, appropriated under the ordinance for the expenses of the three delegates to New York, printed in the Jonas Green pamphlet, shows that the money was given to them in gold in the form of Spanish pistoles, half johannes, French pistoles, and moidores. There had been spent for the personal expenses of the three delegates £138: 14: 1 current money; and the cost of the £150 sterling bills of exchange on London sent to Charles Garth was £247: 10: 0 current money on the basis of "65 per cent exchange"; and other minor expenses, including an item for sending a copy of the proceedings of the Congress to Virginia, amounted to £16: 10: 0 current money. This left a balance of £172: 7: 8 current money in the hands of the accountants (pp. 353-354). As has been previously stated, the Assembly directed that this balance be turned over to the Provincial Treasurer (p. 321).

Space does not permit a discussion here of what Charles Garth was able to accomplish as the Agent in England of Maryland, on Stamp Act matters, nor is he mentioned in either the *Dictionary of National Biography* or the *Dictionary of American Biography*. There is, however, a short biographical note on him in the *Maryland Historical Magazine* to the effect that he was of the Garth family of Devizes, Wiltshire, and that he was Recorder of Devizes and represented that borough in Parliament from 1765 to 1780 (*Maryland Historical Magazine* Vol. VI; 1911, p. 420). In that same volume will be found printed the lengthy letter, dated London, February 26, 1766, which he sent in reply to that, dated October 26, 1765, written to him by the three Maryland delegates to the Stamp Act Congress, referred to in the preceding paragraph (ibid, pp. 282-305).

The Lower House, after again reading the letter to Charles Garth from the three Maryland delegates, which has been quoted, and which does not appear entered in the 1765 journal of either house, appointed a committee, headed by Tilghman with Murdock and Ringgold as his associates, to which were added James Hollyday, Daniel Wolstenholme, Charles Grahame, Thomas Johnson, and Brice Thomas Beale Worthington, to draw up formal instructions to Garth, to be sent to him by the Speaker, together with a copy of the address to the King, and the memorials and petitions to the House of Lords and the House of Commons; with formal notice to Garth of the concurrence of the house in the proceedings of the Stamp Act Congress (p. 181). On December 6 this committee submitted for the consideration of the house a letter of instructions to Garth which it had drawn up, and on December 9, this was approved, and the Speaker ordered to sign and transmit it to him (pp. 206-211, 216). In this he was told of the unanimous approval by the Lower House of the action of the Stamp Act Congress, and of his selection as the Agent of the house; and that through him a happy issue was hoped for, because of his known "Attachment to the General Interest of America (intimately connected with those of the Mother Country) and the common Rights of Fellow Subjects." With this were sent him copies of the proceedings of the Congress and its declaration of rights, and the addresses to the King and Parliament, together with "A Piece Entitled Considerations of the Propriety of imposing Taxes in the British Colonies". The last mentioned "Piece" was of course Daniel Dulany's recent and widely applauded pamphlet against the right of Parliament to impose taxes on the colonies, familiarly known as Dulany's *Considerations*. Together with these was sent a printed translation of the Maryland charter from which it was said some useful hints might be obtained.

This letter of instructions is a lengthy one covering some five printed pages of this volume (pp. 206-211), and deals with general objections to the Stamp Act shared by Maryland with all the colonies, and with objections which apply more especially to this Province. The interested reader is referred to the letter of instructions itself, as only a few of the points brought out in it can be touched upon here. The letter declared that the charter of Maryland was to be regarded "to amount to a strong Declaration and Promise by the Crown that its Inhabitants should not by their Removal [to Maryland] be stript of the Rights of Englishmen and the Royal Faith stands thereby engaged for our quiet Enjoyment of those Rights, the British Colonies no doubt as British Subjects are entitled to those Rights independent of the Charters of the particular Colonies. . . . . It is useless to remark that if the Colonies had not forfeited the Rights they brought over as Englishmen and British Subjects that they are not to be taxed but with their own Consent and are Entitled to Tryal by Juries". The letter went on to say that Maryland and Virginia differed from New York and the other colonies in that their staple was tobacco, which employed all the planters' labor so that there was no time for manufacturing, and as tobacco was now of little value, that with the continually increasing debt there would be no money (specie) or credit for the purchase of goods manufactured in England, and that this would compel the people to turn to raising sheep, hemp, and flax by which England would lose the tobacco trade. It was explained that in the appendix to Dulany's *Considerations* these facts were well brought out. It was pointed out that the mother country in requiring that all tobacco be first shipped to England, where much of it was resold to foreigners, added upwards of a half million pounds sterling annually to her trade at the expense of the tobacco colonies. The restrictions upon the export of iron, save to Great Britain and to North Europe, also worked great hardship upon Maryland, English merchants reshipping it elsewhere at a profit. As a result of this balance of trade against the Province and the consequent absence of specie, no hard money would be available to pay the stamp dues. By these and numerous other trade restrictions, and as a result of the coast guard now hovering along her shores and interfering with trade, the country was well nigh ruined; and that there had now also come "the tremendous Stamp Act and all its excessive penalties". The letter of instructions concluded by saying that it was to be regretted that the Province had had no previous opportunity to remonstrate against the Stamp Act, because the Governor, who alone had the power to convene and prorogue the Assembly, had not called it together for nearly two years (pp. 206-211).

On the day of adjournment, December 20, the Lower House appointed a committee of five consisting of the Speaker, Murdock, Tilghman, Ringgold, and Johnson, or any three or more of them, during the recess of the Assembly, to correspond with Charles Garth, and lay before the house an account of their correspondence (p. 257). But before the Assembly met again the Stamp Act had been repealed by Parliament.

Journal of Accounts

A Committee on Accounts headed by John Goldsborough, composed of five members, to which a sixth was later added, was appointed by the Lower House on November 2, 1765 (p. 137). Three days later the committee asked if the house wished to have included in the Journal of Accounts, the claims of the militia for provisions, wagons, and the quartering of soldiers in the late war. The house voted in the affirmative and a committee of three headed by Edward Tilghman was ordered to prepare and bring in such a bill (pp. 141, 149). The Committee on Accounts was then ordered to receive no additional claims against the public after November 14 (p. 145). On November 20 the house voted 25 to 20 to include among the expenses of the late war the balance due Bayard Veasey on account of his expenses incident to "the Alarm from Lancaster [Pennsylvania] and Baltimore County in Nov^r^ 1755" (p. 167).

On November 21, the house instructed the committee to report on the expenses attending the sittings of the Assembly since the passing of the last Journal (1756), and particularly the expenses of the "committee on rooms" (p. 172). This last order was doubtless to show the rent which had been paid for the rooms in private houses in which the Lower House sat.

In compliance with the orders of the Lower House the Committee on Accounts presented its report on December 9 showing the costs attending the sittings of the Assembly from February 1756 to November 16, 1765, the latter being the day on which the present Journal of Accounts, now under debate, was closed, and especially the expenses for the rent of the committee-rooms used by the members of the Lower House; and found that the total costs amounted to 3,950,482 pounds of tobacco and £305 : 7 : 0 current money. The expenses incurred in the sittings of the Upper House were: due to the members of the Upper House for attendance 448,826 pounds of tobacco and £19 : 4 : 0 current money; to the present and late clerks of the Upper House 151,814 pounds of tobacco; to the present and late door-keepers 24,000 pounds of tobacco, a total of 624,640 pounds of tobacco and £19 : 4 : 0. The expenses of the Lower House were: due to members 2,992,480 pounds of tobacco; to its late and present clerks 122,464 pounds of tobacco; to the sergeant-at-arms and the door-keeper 66,002 pounds of tobacco; to the minister and deputy clerks attending the several sessions 144,896 pounds of tobacco; and for the [hire of] rooms for the Lower House to sit in and the different committee rooms £259:0:0. The total costs, all of which remained unpaid, for both houses of the Assembly for this nine-year period amounted to 3,950,482 pounds of tobacco and £305:7:0 (pp. 217-218). It will be noted that the chaplain of the Lower House is called *minister,* not *chaplain.*

On November 28 the Journal of Accounts was brought before the house by the Committee on Accounts (p. 185). The next day the Journal was assented to, and a vote was taken as to whether it should be sent to the Upper House alone, or with it a list of the debts due on account of the last war, together with a message urging the assent of the upper chamber to it. By a vote of 33 to 10, the Popular leaders Hammond, Murdock, Ringgold, and Tilghman voting in the negative, the house approved the latter course (pp. 189, 190-191). The Journal is not printed in full in the proceedings of either house, but the numerous messages between the two houses and the changes insisted upon by the Upper House, disclose the items in controversy.

Anticipating trouble about the inclusion in the Journal of the salary of the Clerk of the Council, a stumbling block which since 1756 had prevented the adoption of any Journal of Accounts by the Lower House, at the opening of the session the Upper House had directed its former clerk, John Ross, to file his accounts against the Province for his services as Clerk of the Council, which he promptly did; and a committee consisting of Colonel Robert Jenckins Henry and Colonel Henry Hooper were appointed to examine them (pp. 41, 44). On November 15 this committee reported that it had compared the Clerk's accounts with the proceedings of the Council from 1756 to 1765 and that the charges, at the reasonable rate of nine pounds of tobacco a sheet ("per side of 105 words") for the period, amounted to more than was shown by the Clerk's own accounts for recording the proceedings of the Council and other matters of a public nature, exclusive of any charges which he might well have made, but had not included, such as for summoning members, keeping officers' bonds, county levies, etc., and that the total of these amounted to more than the back salary of 9,600 pounds of tobacco a year, which the Upper House insisted was the least that should be allowed him, since the last salary, which had been paid him for 1756, and previous salaries, had been that amount.

On December 5 the Upper House returned the Journal with the statement, that if the salary were included and certain stipulated payments were added, it would receive its approval. These included a payment of 81,600 pounds of tobacco to the late Clerk of the Council John Ross as his salary for eight years and six months, and one to Dr. Upton Scott, the present Clerk of the Council, of 8,800 pounds for eleven months; as well as a payment of 6,400 pounds to them, when acting as clerks of the Upper House, for copying its proceedings for the years 1761, '62, '63, and '64 (pp. 74-75). Other items were small payments due to members of the Council for attending a meeting of the Court of Appeals. There were also included payments for repairs to the Council Chamber of £21 : 3 : 0 sterling, and expenses of £12 : 18 : 10 incurred several years before by the Council for provisions given to the "French Neutrals" or Acadians (pp. 74-75). When this message was considered in the Lower House, the vote on these proposed payments of salaries to the clerks shows that public opinion was almost solidly in favor of the Lower House stand that the expenses of the Council, as representing the Proprietary, should be paid by him and not by the public. The Lower House voted 43 to 1 against inclusion of payment of 81,600 and 8,800 pounds of tobacco respectively to the two clerks of the Council, Edmund Key of St. Mary's alone voting in the affirmative (pp. 202-204). On further consideration the Lower House agreed to other controversial items just mentioned and insisted upon by the upper chamber, including payments to the clerks of both houses for copying proceedings (journals) of the Assembly for the years 1761, 1762, 1763, and 1764 (p. 205). It then passed a resolution, however, that hereafter no repairs to the Council Chamber made by order of the Council would be paid at the expense of the public; and on December 7, a message was sent to the Upper House outlining these actions, and adding that if the Upper House would lay before it a particular account of all the charges made by the clerks for services performed by them, to which they were entitled under the laws of the Province, the house would willingly include them in the Journal (pp. 212-213).

In a message dated December 9 the Upper House declared that the clerks' accounts had been examined and verified by a committee of the Upper House, and a copy of its report in regard to them, dated November 15 (p. 51) and signed by Henry and Hooper, was being transmitted together with the clerks' own accounts (pp. 77-78, 115-130). It was presumed that these would satisfy the Lower House that the services done by the clerks deserved the salary allowed and paid to these officers in every journal down to the year 1756, when the Lower House had first refused its assent. The message declared that the Governor by the Constitution was assisted in his executive duties by the advice of the Council, in giving notice of meetings, orders to subordinates, and in preserving the records of its proceedings, and that these duties had always been performed by the clerk, who had always until 1756, been paid for them as a constitutional officer in the Journal of Accounts; that the repairs to the Council Chamber had been made to shelter the members from the inclemency of the weather, and had they not been made, it would have been necessary to contract for a room in a private house, as for its own convenience the Lower House had done and provided payment for this in the Journal (pp. 215-216). With this message the Upper House transmitted a copy of the account of the Clerk of the Council.

The accounts filed by the clerks of the Council which were sent to the lower chamber by the Upper House accompanying its message of December 9, were entered in full in the manuscript journals of both houses (pp. 115-130, 216), but, for some reason not clear, were not included by Jonas Green, the public printer, in the printed *Votes and Proceedings of the Lower House* for the November–December, 1765, session. This omission aroused the ire of the

Lower House and at the following session, May 1766, Green was summoned to appear before the bar of the house. The journal of the house runs thus: "Mr. Green having attended at the Bar of this House, and being examined relative to his omitting to insert in the Printed Votes of the last Session, the Accounts of the Clerks of the Council, sent down from the Upper House, with a message of the 9th of December, 1765; ordered, That Mr. Green do print, with the Votes and Proceedings of this Session, the said Accounts. . . . . The Question was put, Whether Mr. Green shall be Admonished, or Censured, by the Speaker of this House, for omitting to Print, amongst the Proceedings of last Session, the Accounts of the Clks. of the Council, sent down with a Message from the Upper House. . . . . Resolved, That Mr. Green be Admonished by the Speaker. In Pursuance of the aforegoing Resolution, an Admonition being prepared to be delivered by the Hon. Speaker to Mr. Green; and after many debates, whether the said Admonition, as drawn up, should be received, the same was referred for further Consideration" (*Votes and Proceedings of the Lower House,* printed by Jonas Green, Annapolis 1766; p. 91). None of the few known existing copies of the printed *Votes and Proceedings* for the May 1766 session indicate that the account of the clerks of the Council was either printed in it or distributed with it, but it was printed as a separate pamphlet. In the *Maryland Gazette* for September 11, 1766, there appears the advertisement of the publication of the pamphlet which was printed under the title: *Province of Maryland. Council Proceedings, from the 10th of May 1756, to the 12th Nov. 1764. Annapolis: Printed by Jonas Green, Printer to the Province. 1766.* In this rare pamphlet, of which only two copies are known, there first appeared in print the accounts of the clerk of the Council which was the subject of such acrimonious dispute.

The Lower House thereupon appointed a committee of nine headed by Thomas Johnson to examine the accounts of the clerk which had been submitted "and also to make an Estimate of the money rec̃ed from this Province under Colour of Law for Support of Government and how these monies are applied" (p. 216). This committee reported on the following day (pp. 219-220). It declared that of the 102,743 pounds of tobacco claimed by the Clerk of the Council, 41,014 pounds were charges for commissions on collections received from tobacco inspectors, the clerks' attendance charges, Council orders on petitions, and proclamations, and for recording an indenture relating to a deed of settlement of the Province by the Proprietary, not properly chargeable to the public. The committee also reported that there were filed, under the tobacco inspection law, the names of those nominated by the several vestries as tobacco. inspectors, and that those selected by the Governor from these names were notified by warrants made out by the clerk, for which he charged a fee; that there were amerciaments in the Provincial Court amounting to about 2,500 pounds of tobacco annually, which by law were disposed of by the Governor and Council, who had given them to the Clerk. The Committee further reported that it had not learned what disposition had been made of the estimated £1,400 sterling export duty on tobacco, the tax collected on foreign shipping, and the fines collected under the common law and the laws of the Province, which it had been ordered to report upon (pp. 219-220).

The Lower House then proceeded to discuss in detail various phases of the dispute. It took a vote as to whether or not the Clerk should be allowed anything for making out the commission to tobacco inspectors, and decided this in the negative by a vote of 26 to 11. It also voted, 19 to 18, that no allowance should be made him for the custody of the bonds of Naval Officers, as this duty had been imposed on him by act of the Assembly. The house also voted that no allowance should be made to him for receiving and holding nominations for tobacco inspectors, nor for the custody of the county levies. Other claims for allowances were also rejected (pp. 225-226). These actions of the house were adopted in the form of resolutions dated December 10, which were sent to the Upper House with a short message, dated December 12, saying that although it felt that the Clerk of the Council was entitled to some salary, it was not for the house to fix the "quantum" of this, as he should not be paid by public funds appropriated by the Assembly in the Journal of Accounts, but from fines and forfeitures collected from the people by the "government", which now went to the Lord Proprietary, or from the £1,400 sterling collected annually by the export duty on tobacco appropriated to himself by the Proprietary. It was hoped that the Journal would now be passed promptly by the Upper House (pp. 228-229).

It was at this stage of the dispute between the two houses on the adoption of the Journal of Accounts that threats of mob violence to enforce its adoption by the Upper House reached Annapolis. No Journal had been adopted for nine years, and the amount of the debts due to the public creditors had piled up to such alarming proportions that public indignation was widespread. This seems to have been particularly rampant in the back settlements of Frederick County where the rumors of mob action arose. On December 10 Governor Sharpe sent a message to the Lower House saying that he had just received information that between "three & four Hundred Men many of them Armed with Guns & Tomahawks were assembled on Fryday last at Frederick T.^{n} Fredk. Co.^{ty} and ab^{t} to chuse Officers intend^{g} to march hither in Companies in Order (as they express themselves) to settle the Disputes betwixt the two Houses of Assembly in Relation to their passing the Journal and that such their Proceedings were supposed to be owing to Col.^{o} Cresap's declaring as he lately returned Home thro' the County that nothing would be done unless the People did come down". The Governor also said that a great number of people who lived in the neighborhood of Elk Ridge, Anne Arundel County, were said to be coming to Annapolis to learn from the delegates of that county the status of the Journal. He thought it his duty to communicate this information to the house, and he recommended "it to you to consider seriously the Consequence of large bodies of people being prompted to come hither on such Account or assemble with a View to intimidate either Branch of the Legislature or to lay them under any restraint" (p. 221). The Lower House replied that it was very sensible of the bad consequences of bodies of men coming to intimidate either house, and prayed the Governor to lay before it evidence of the assembling and arming of men for this purpose. It also very much regretted the imputation that a member of this house, Mr. Cresap, was a party to it, and thought that the Governor's information as to this was without foundation, as Mr. Cresap had been absent from attendance in the house since November 22 (a period of three weeks), at which time he could not have foreseen the difficulty between the two houses, and that it was fair to the public and to Mr. Cresap that the Governor examine the evidence and submit it to the house (p. 222).

The Governor in his message in reply transmitted two depositions. One from Captain Evan Shelby, a veteran of the late war, declared that when in Frederick Town a few days before there were 300 or 400 men armed with guns and tomahawks, and he understood they were about to march to Annapolis on account of the dispute about the Journal, and would remain there until action was taken. Shelby had been informed by two men that Colonel Cresap had said nothing would be done unless this course were followed. There was another deposition by Dr. David Ross that he had been in Sharpsburg about October 27 in his capacity as magistrate, and that he was there shown a paper said to have been sent by Colonel Cresap for signatures, of which at that time there were about thirty-five. The paper expressed approval of the action of the Lower House in opposing the Stamp Act, and expressed the reliance of the signers that the house would resist further encroachment upon their liberty, such as the attempt by a certain gentleman [John Ross, former Clerk of the Council] in Annapolis to prevent the payment of just claims to the public, unless a large, unjust, and dishonorable claim to him were also paid; and that if this course were further persisted in and the Lower House would notify them they would come down to that city and cause justice to be done. Dr. Ross, the deponent, said further that no one signed the paper in his presence, but that he remembered "that M^r^ Chapline jocularly asked Col.° Beall if he would sign, who answered that he did not like Hanging or Words to that Effect and this Depon^t^ saith that observing the Writing to be of a threatening Nature he jocularly asked if no more Rifle Men could be got from above and that it was then said by some of the Company that it was one of the Old Col.^s^ Schemes by whom he understood Col.° Cresap to be meant" (p. 224). It may be added that there was also a rumor that the mob intended to burn the Annapolis house of John Ross. On December 14, a certain Martin Kirshner (Casner), a miller of Conecocheague Creek, Frederick County, appeared before the bar of the Lower House and made a deposition to the effect that he had heard rumors that the people were inflamed because the public debts were not likely to pass, but that he had not himself seen "any People collected or arming but hath understood that there have been Deliberations whe^r^ for a number of People to come to Annapolis" (p. 234). Here inquiry seems to have been dropped by the Lower House.

The dispute between the two houses about the Journal of Accounts now took the form of an exchange of three long and bitter messages between them occupying in all some thirty-three printed pages of this volume. Every argument, analogy, precedent, and loophole for attack which could be brought forward in support of either side was tediously labored, both sides often going far afield to support their legalistic arguments. The interested reader is referred to the messages themselves for light upon these arguments. It may be said in general, however, that on December 13 the Upper House sent a message of some twenty-seven hundred words in reply to the resolutions and messages of the Lower House of December 12, which had cut out as improper, numerous charges made by the Clerk. In this message the Upper House declared that it would not recede from its position that the Clerk of the Council was entitled to an annual salary of 9,600 pounds of tobacco, or £60 current money, for the period since he was last paid in 1756, and thus sacrifice a servant of the public justly entitled to the continuation of the small salary which he had previously been paid over a period of many years, although the house deeply regretted the distress which the other public creditors would suffer if the Journal was for this reason not approved (pp. 84-89). Three days later on December 16, the Lower House came back in reply with an even longer message of some sixty-seven hundred words. It would be interesting to know what member of this special committee of the Lower House could have produced a well worded political argument of this length in such a brief time. Young Thomas Johnson, later to become the first Revolutionary Governor of Maryland, the member of the committee who brought this message into the lower House, where it was promptly approved, had the pen of a capable and ready writer and may have been responsible for it. The message, after questioning at length nearly every item for which the Upper House insisted the Clerk was entitled to a fee, declared that many of these items had only been brought forward in order to make the aggregate fees so large that the Lower House would be tempted to compromise upon a higher fixed salary basis than it might otherwise have done. The bulk of the message dealt, however, with the more general demand of the Lower House that various fees, fines, amerciaments, export duties, etc., which now went into the pockets of the Lord Proprietary, should be used for such public purposes as the payment of a salary for the Clerk. The house then sought to meet the argument of the upper chamber as to the reasons why, after acquiescing until 1756 in paying the Clerk a salary, it had changed its attitude. The question of the support for a Provincial Agent in England to be appointed by the Lower House was injected in the message on account of the offer of the Lower House to submit the question of the salary for the Clerk of the Council to the Crown for its decision, provided the Upper House would approve the Lower House bill for the support of an Agent. A speedy reply was requested because the epidemic of smallpox in Annapolis, of which one delegate was then dangerously ill, made it impossible to keep the members in session any longer (pp. 235-249).

The Upper House was to have the last word. On the closing day of the session it sent in reply a very lengthy message of some sixty-five hundred words. This message was written in a sarcastic vein. It said that the general question before the house was the payment of the annual salary of 9,600 pounds of tobacco, or £60 current money, as back pay for nine years and for the current session, a salary which had been paid continuously from 1736 to 1756; and that the accounts submitted by the Clerk showed legitimate claims for work actually done by him which amounted to much more than the salary now sought. The various items enumerated in the account were then gone over again at length and in detail. The Upper House said that honor required the payment of this salary, and added that "A Private Gentleman, who should refuse to allow an old Servant a Claim founded as M^r Ross', would have very little Reason to expect the World should applaud him for his Prudence". It was indeed ludicrous, the upper chamber said, to call the matter of the salary a "struggle for liberty". Reference was then made to the demand of the Lower House for a support for a Provincial Agent in London to be appointed by it. The Upper House declared, that as the chance was desperate for the passage at this session of a Journal of Accounts, it was now willing, however, to pass the separate Lower House bill, which it had previously rejected, carrying an appropriation for the expenses of the late war. The message closed with the denial that the Clerk of the Council should be paid out of such funds set aside by law "for support of government" as the tobacco export duty, which would be contrary not only to usage but to the laws of the Province. He should be paid, as clerks before him have been, by the Journal of Accounts (pp. 97-110). The Assembly adjourned without further mention of the Journal. It may be added, however, that a Journal of Accounts was passed in the year 1766 after a lapse of ten years.

Provincial Agent in Great Britain

It was inevitable that the question of provision for the appointment and support of a Provincial Agent in Great Britain to represent the people of Maryland before the Crown would come up again at the November–December, 1765, session, as it had at every session for so many years. The agitation about the Stamp Act and the actual employment of a special agent, Charles Garth, to represent Maryland in London in presenting remonstrances to King and Parliament asking repeal of this act, added strength to the popular demand that there be resident in London a Provincial Agent to represent the people before the Crown in matters involving disputes between them and the Lord Proprietary, or, as the Lower House expressed it, to resist the pretensions of the Lord Proprietary. These demands for a support for an Agent have been discussed in the introductions to the preceding volumes of the *Archives* dealing with Assembly affairs, and most recently in Volume LVIII (pp. xlvi-xlviii).

On November 7, 1765, on the motion of Edward Tilghman, the Lower House ordered a committee of three, consisting of Tilghman, Murdock, and Lloyd to prepare a bill for the support of a Provincial Agent (p. 142). A bill imposing an export duty of fourpence on every hogshead of tobacco which left the Province, to be used for the support of such an agent, was brought in and passed on December 13, and sent to the Upper House (pp. 222, 232). Here it was rejected and returned with a message to the lower chamber (pp. 90-93, 235). As the demand for a representative in London was universal among all classes, and as Governor Sharpe and the Upper House were obliged to oppose it because of direct orders from the Proprietary, the upper chamber in objecting to it was forced to weave a web of legalistic sophistries in defense of its position. In its message it declared that the "members of the Upper House . . . . [are] a distinct Order . . . . each [house] has a Power to

Controul and check the other", and although the voters for the members of the Lower House comprised nearly all the freemen of the Province, the members of the Upper House could neither vote for delegates nor serve as such in the lower chamber. Under the bill it was proposed to vest in the Lower House alone the appointment and regulation of an agent, although the taxes collected for the support of such an agent would not only be collected from the voters who chose the delegates to the Lower House, but also from the members of the Upper House who were excluded from the selection of delegates, who would not only appoint the agent, but would spend the money collected for his support; and that by this the members of the Upper House were placed below the meanest qualified voter in the Province. It was asked was it equitable that the Lower House be supplied with the means to urge its pretensions before the Crown, and the Upper House be deprived of the means of presenting its claims. The upper chamber then made a counter proposition for the appointment of an agent, or agents, which it well knew would be rejected. It said that it would agree either to the appointment of an agent to be selected jointly by both houses, or to the appointment of two agents, one of whom would be selected by the upper, and one by the lower, chamber; and that if either of these suggestions was acquiesced in, it would join in passing a bill for a proper support (pp. 91-93). Of course both suggestions died aborning. A few days later, on December 19, the Upper House in a message to the Lower House on the subject of a salary for the Clerk of the Council again brought up the matter of a provision for an agent, but nothing came of it (pp. 104-106).

Parishes, Churches, and Chapels

Petitions for enabling legislation were presented at the November–December, 1765, session from seven parishes, of which six were granted. A petition was presented in the Upper House by the rector, vestry, and inhabitants of St. James Parish, Anne Arundel County, declaring that the amount of tobacco levied as a tax by the act of the Assembly of 1762 was not sufficient to build and finish the new church, but that there was in the hands of the parish for repairing the old church a balance of £137: 7: 10, which had been collected for building a new church before the recent act was passed. The petition declared that as there would be required to complete the new church and church yard 80,000 pounds of tobacco over and above this £137: 7: 10, it was prayed that an act be passed levying 80,000 pounds upon the inhabitants of the parish; and an act to this end was thereupon passed (pp. 43, 218, 297-298). The vestrymen and Protestant inhabitants of All Faiths Parish, St. Mary's County, petitioned the Assembly that there be levied an assessment of 120,000 pounds of tobacco upon the inhabitants of that parish to build a parish church and for other parish purposes (pp. 50-51, 265). The petition was presented in the Upper House and referred to the Lower House (p. 158). A bill authorizing this assessment was then passed by the Lower House and sent to the upper chamber where it was favorably acted upon (pp. 60, 185). St. Andrew's Parish, St. Mary's County, also petitioned the Assembly through its rector, vestrymen, churchwardens, and other principal inhabitants, that as "the Church of the said Parish is an Antient Building, very much gone to Ruin, so that it Cannot be Expected to Stand long, nor is it practicable to repair the same", they prayed for the passage of an act levying upon the inhabitants of this parish 200,000 pounds of tobacco in three equal assessments to build a new church at a more convenient place than the present location (pp. 181, 264-265). The petition was first presented in the Upper House and referred to the lower chamber, where a bill for this purpose was drawn and passed both houses (pp. 52, 177, 181, 185). This act authorized the purchase of two acres of land and directed that a new church be built upon it (pp. 264-265).

St. Paul's Parish, Kent, through its vestry, churchwardens, and sundry other inhabitants of the parish, petitioned the Assembly praying, that as there was in the hands of the vestry 20,000 pounds of Tobacco over and above the amount required for the repair of the church, that it be allowed to apply this to building and furnishing a vestry house (pp. 50, 158, 269). A bill to this end was introduced in the Lower House, passed, and received the assent of the upper chamber (pp. 177, 181, 185). The vestry house still stands. As the result of a petition, presented in the Upper House on November 16 by several inhabitants of Kent County, reciting that as many of the residents of the middle of that county lived too remotely from the St. Paul's and Shrewsbury parish churches to attend divine services, it was prayed that there be erected out of these two parishes a new parish to be named Chester, and that a parish church be built at the Cross Roads at a place called I. U. (pp. 50, 202, 228, 300). An act creating Chester parish was then passed by both houses (pp. 79, 202). This act empowered the vestrymen to be chosen, to purchase two acres of land at I. U. and to build there a commodious brick church at a cost of not more than 130,000 pounds of tobacco; and also to establish a chapel-of-ease in Chestertown, making use of for this purpose the "commodious house" now used for church purposes in that town built at private expense on a lot purchased in the same way, "saving to the private Proprietors their Pews in the said Church and Gallery". The vestry of Chester Parish was given authority to build an addition to this house at a cost not exceeding 50,000 pounds of tobacco. The act further provided that the present incumbent of Shrewsbury Parish, the Reverend George William Forrester, was to serve Chester Parish as long as he shall continue the incumbent of Shrewsbury Parish (pp. 299, 302). At the December, 1766, session an act was passed authorizing the building of a vestry house at Chester Church, and at the 1768 session authority was obtained to build a new chapel in Chestertown (Hanson's *Laws of Maryland made since MDCCLXIII; 1787;* acts of May, 1768, chapter viii).

A petition was presented in the Upper House on December 5 by sundry inhabitants of Queen Anne's County praying for a division of the existing parishes of that county, which was sent to the Lower House (pp. 75, 211, 235). This asked that the bounds between St. Luke's, Christ Church, St. John's parishes in Queen Anne's County and St. Paul's Parish lying both in Queen Anne's and Talbot counties be laid out and settled for the future (p. 232). The act which was passed to this end recited that a new division was necessary because the large extent of some of the parishes made attendance at divine service difficult, and because some of the parishes were so small that they did not supply a decent support for a minister. The act also provided that an assessment of 30,000 pounds of tobacco be made to build a new and larger Wye Chapel in St. Paul's Parish, and another of 80,000 pounds of tobacco for rebuilding St. Paul's Parish Church (pp. 213, 314-319).

A petition from the inhabitants of the southern quarter of St. Paul's Parish lying in Queen Anne's and Talbot counties was presented in the Upper House on December 2 and referred to the Lower House for action, where it died (pp. 71, 195). The nature of the petition is not disclosed.

LANGUISHING PRISONERS FOR DEBT

Owing to disputes between the two houses no act for the relief of "languishing prisoners" confined in county jails for debt had been passed since the session of May 1757, a period of over eight years. The financial depression, from which Maryland and the other colonies were then suffering, had greatly increased insolvency, and it was declared by Councillor Benedict Calvert that the jails were filled to overflowing with debtors, and that along the roads there was a steady stream of those seeking to escape their creditors. The principal difference between the two houses which had prevented the enactment of relief legislation was because the Lower House had refused to yield to the insistence of the upper chamber, that debtors to the Lord Proprietary and the sureties of debtors owing money to the Loan Office should not under the act be relieved of their liability. The Lower House on the other hand felt that these two classes should not be treated more harshly than other debtors. From a reading of the bill as it was finally passed at the 1765 session the Upper House seems to have given up its previous insistance to discriminate against these two classes of debtors. The differences between the two houses at the 1765 session seems to have been limited to other points. Unquestionably many unfortunate debtors had, during the eight year interval since the last act was passed, either died in prison, or had been voluntarily released by their creditors, or had acquiesced in being sold into servitude for the payment of their debts. Of the thirty-six prisoners for debt of both sexes named in this act, it is learned, from two petitions to the Assembly that have by chance been preserved, that at least these two debtors, Nathaniel Wickham and John Turnbull of Frederick County, had already been in prison for more than five years (*Arch. Md.* LVIII; 580; LVI; 511-512).

The bill for the relief of prisoners for debt was passed by the Lower House on November 9, 1765, and sent to the Upper House (pp. 140, 141, 143, 149). It was returned five days later by the upper chamber with a message saying that if the Lower House would also include in the bill the names of other deserving debtors whose petitions had been received since the bill was framed, and if certain amendments were adopted, it would pass the bill (pp. 48-49, 154-156). While agreeing to the incorporation of additional names, and the amendment that the sheriff be a preferred creditor in the matter of imprisonment charges, to some of the other amendments the Lower House refused to agree. It objected to requiring that debtors without dependent families, or single men, be sold into servitude for five years for the benefit of their creditors, on the ground that some of those named in the bill had already been in prison a long time, although they had expressed to their creditors a willingness to be thus sold, and these offers had been rejected. It was hoped that the Upper House did not wish to add servitude to the hardships which these unfortunate debtors had already suffered (pp. 161, 181-182). The Upper House in a return message, while refusing to eliminate this amendment in its entirety, was willing to afford immediate relief to those who had already been imprisoned for five years or more, and in cases where creditors had previously rejected debtors' offers to be sold. The Upper House, however, insisted that debtors without dependents who came under none of the above exceptions, be sold for as many years as would bring the time that they had been in prison and the time of servitude together up to five years. The Lower House accepted this amendment and the bill was then passed by a vote of 31 to 10 (pp. 194-195).

That this slow and cumbrous method of relieving insolvent debtors by special legislation, passed at irregular intervals, naming in the bill the several individuals who were to benefit, was inherently a vicious one, seems to have aroused the sympathies of some members of the Lower House. Before the act referred to above to free thirty-six prisoners had passed both houses, the house ordered on the motion of Parker Selby of Worcester County, that a committee of five headed by him, should bring in a bill "for the Relief of Insolvent Debtors" (p. 154). This was doubtless a bill of general scope, similar to the act passed in April, 1774 (chapter xxxviii), under which an insolvent debtor, without waiting for legislative action, could bring his case before three justices of the county court and have it promptly acted upon. Nothing, however, resulted from the Selby bill. It was on December 6 laid on the table, and a few days later was sidetracked by refering it to the consideration of the next Assembly (pp. 154, 212, 213, 229).

LOAN OFFICE

The Loan Office had been established in 1732 under the act providing for the issue of £90,000 Bills of Credit, to be paid off in not more than thirty-one years (*Arch. Md.* xxxix, 92-113). Under this act various taxes and duties were to be set aside and paid over to the commissioners of the Loan Office, or Paper Currency Office, or Office for Emitting Bills of Credit, as it was variously known, to be held as a sinking fund to redeem the Bills of Credit issued under it. The monies in the sinking fund were to be invested in mortgages (bonds) on lands in the Province, and in Capital Stock of the Bank of England in the hands of trustees in London. Under subsequent acts additional Bills of Credit had been issued, and other taxes and duties dedicated to sinking funds to extinguish them. None of these were to run beyond September 30, 1764, when all Bills of Credit, or paper currency, issued under the Act of 1732 and subsequent acts, still unredeemed and outstanding, were to be taken up and paid off.

The time had now come to close the Loan Office and bring its affairs to an end. The Assembly at the November–December session passed an act directing that the office be closed on the last day of April, 1766, after which time no more outstanding (and overdue) Bills of Credit were to be received and redeemed, and at that date the salary of the clerk of the office was to cease. The treasurers of the two shores were directed to turn over immediately to the Loan Office all public funds in their hands, and the commissioners of the Loan Office were further directed to transmit, before April 30, 1766, in the form of bills of exchange, all moneys in their possession to the London trustees of the Province to be invested by them in capital stock of the Bank of England (pp. 319-322). It is to be noted that at this time the London trustees were three prominent English merchants interested in American trade, William Hunt, Osgood Hanbury, and Capel Hanbury. The commissioners of the Loan Office were in 1764 Charles Hammond, a member of the Council and Upper House, Dr. George Steuart of Annapolis, until recently a member of the Lower House and an uncompromising representative of the Proprietary party, and John Bullen an alderman of Annapolis. Upon Bullen's death, March 15, 1764, John Brice, a prominent Annapolis lawyer, was appointed in his place. Later accounts show that after all the outstanding Bills of Credit had been paid off and cancelled, there still remained in the hands of the trustees in London a large balance of over £25,000 invested in Bank of England stock, which in 1766 was used as security for another issue of Bills of Credit.

The joint committee of both houses appointed to inspect the condition and accounts of the Loan Office submitted its report on November 29, 1765 (pp. 142, 63-68). This showed that there was as of June 7, 1764, in the hands of the trustees in London £40,800 capital stock of the Bank of England which had been bought at a premium, at a cost of £50,731:7:6 sterling, since which date the trustees of the Loan Office in Annapolis had withdrawn on bills of exchange £25,778:18:6, but that since that date the London trustees had rendered no account showing the exact balance in their hands. The committee reported that during the present session it had burned all the old Bills of Credit which had been brought in and were now sunk, to the amount of £31,719:4:6, and also £20,557:8:6 out of iron chests numbered 1 and 2. Although under the law passed at the last session all debtors to the Loan Office, to whom loans had been made by that office secured by mortgages on land, had been called upon to pay off their indebtedness to the Province, it was found that six debtors had failed to pay off their loans, and that certain sheriffs had not yet paid into the Loan Office for the sinking funds, monies which they had collected on licences for ordinaries as well as taxes collected by them on lands, excises, liquors, bachelors, wheel carriages, and billiard tables. Of the £90,000 Bills of Credit (paper money) issued under the Act of 1732, there were still outstanding £4,502:8:4½ (pp. 66-67). Doubtless to force the redemption of these outstanding Bills of Credit, the Lower House, on the motion of Thomas Ringgold, appointed a committee of three headed by Edmund Key, with orders to bring in a bill to limit the time in which the Loan Office might accept such Bills of Credit. Such a bill, as will be seen, was introduced and passed by both houses (pp. 167, 257, 319-322).

On November 20 a special committee of six headed by Thomas Ringgold, the Chestertown merchant, was appointed by the Lower House to make inquiry and report as to "the best way of disposing of the balance of the public money in the Treasury and in the Paper Currency Office [Loan Office], belonging to the Country, and of the Capital Bank [of England] stock" in the hands of the London trustees, that will belong to the people after the paper Bills of Credit in the hands of their owners have been paid off; and to suggest the best method of supporting trade while specie is so scarce in the Province (p. 166). This committee reported on November 28 it was of the opinion that the most advantageous way to dispose of the public money in the Treasury and Loan Office would be to sell it for bills of exchange, and with these bills to purchase capital stock of the Bank of England, to be added to the stock already owned by the Province and held by the London trustees; the committee further advised that to meet the demand for specie and to support trade and commerce, bills of credit (paper money), redeemable in ten years, be issued to be secured by so much of the bank stock as may then be necessary to sink these bills. It was recommended that there be issued ten year bills of credit for 135,000 dollars at the rate of four shillings sixpence per [Spanish] dollar, to the value of £30,375 : 0 : 0, and it was estimated that there would be at the end of ten years belonging to the Province a balance of bank stock to the value of £20,025, making a total of £50,400. Available to balance this would be the unsold bank stock with a value of £25,000, cash in the Loan Office £8,000, and monies in the hands of the treasurers £3,000, amounting in all to £36,000; to which was to be added the interest on this £36,000 invested in five per cent bonds estimated to amount in ten years to £14,400, making a total of £50,400, as the amount of the liability of the Province (pp. 183-184). When this report of the committee was brought before the Lower House it voted 27 to 16 to consider it, but immediately thereafter a motion to concur in the report was defeated by a vote of 23 to 20, the political parties dividing on the question. A motion was then made that the surplus bank stock in the hands of the English trustees, the balance of cash in the Loan Office and in the treasurers' hands, be used as part of a fund for the emission of 140,000 dollars in Bills of Credit and used to pay those public creditors who will accept them. This motion was defeated 21 to 20, the leading members of the Popular party voting against it; but they immediately thereafter reversed their action (pp. 191-193). It was not until the 1766 session, however, that any action was taken, and a new issue of Bills of Credit was authorized.

ARMS AND AMMUNITION

The committee of five appointed by the Lower House "to inspect into the State and Condition of the Arms and Ammunition" of the Province and the accounts relating to them, was headed by Smallwood, with Thomas Cresap, the Indian fighter, also on the committee. It brought in its report to the Lower House on November 9, which was signed by Henry Wilkins, clerk of the committee. This report, like similar reports at previous sessions pointed out the wretched condition of arms and ammunition, due in great part to neglect. How much of this neglect was due to the inefficiency of the Provincial Armourer and how much to the failure of the Assembly for several years to pass the

Journal of Accounts which carried the Armourer's salary, cannot now be determined. The report showed that the military supplies were stored in various places—in the Council Chamber, "above the Council Chamber", "under the Council Chamber", and in the Powder House; these were itemized and enumerated in detail. Most of the arms were in a dilapidated condition. Thus of some thousand muskets and carbines more than two thirds were reported to be badly in need of repairs or very rusty. Among the arms and equipment listed were pistols, bayonets, broadswords, blackhilted swords, halberds, pikes, gun flints, powder horns, cartouche boxes, musket balls, and "great shot", trumpets, and drums. On the Half Moon Battery the fifteen pieces of cannon lacked aprons, tompkins, and cramps, and were unfit for service, and the several old cannon mentioned in previous reports had totally disappeared. A considerable quantity of powder in barrels was reported as stored in the Powder House. Loans of powder to individuals, which was to be replaced from time to time by fresh powder, were authorized by law, but the report showed that in several instances there had been no replacement made. Reference is also made to the "present Armourer" who is not named (pp. 146-148). The house concurred in the report (p. 233).

WALTER DULANY ELECTION

Walter Dulany, brother of the noted lawyer Daniel Dulany, the Younger, who was Mayor of Annapolis, and one of its most prominent citizens, had been elected to the Assembly in the autumn of 1764 as a delegate from that city. After his election, and before the first meeting of the newly elected Assembly held in September, 1765, he had disqualified himself from sitting in the Assembly by accepting the appointment of Naval Officer of Patuxent (pp. 21-22). The *Maryland Gazette* of Annapolis, on November 29, 1764, had thus recorded the results of the Annapolis election held in that year: "Monday last came on the Election of two Representatives to serve in the next General Assembly of the Province for this City, when there were three Candidates proposed by the Electors; The Election lasted until evening, when the poll was closed, and stood thus, For Walter Dulany, Esq. 132 votes, Samuel Chase, Esq. 88 votes, George Steuart, Esq. 59 votes, and the two first named Gentlemen were declared duly elected". Dr. George Steuart, long one of the delegates from Annapolis and the wheelhorse of the Proprietary party in the house, failed of election by a large margin. After Dulany had forfeited his seat by accepting an office under the Government, the Lower House on September 24, 1765, ordered the Speaker to issue his warrant for a new writ of election to fill the seat to which Dulany had been elected the year before (pp. 20-21). This special election, which took place during the recess following the September session that had been prorogued on September 28, occurred before the meeting of the November–December session. The Annapolis *Gazette* for October 10, 1765, records "that on Saturday last Walter Dulany was re-chosen representative from Annapolis, his seat having been [previously] vacated by his acceptance of Naval Officer of Patuxent since his election last year."

Dulany took his seat in the house on the opening day of the November session (p. 132). Immediately afterwards a petition from sundry inhabitants, freeholders, and free voters in the corporation of the city of Annapolis was presented for the consideration of the Lower House, which recited that a writ of election directed to the mayor, recorder, and aldermen, of Annapolis had been issued requiring them to proceed with the election of a delegate "in the Room of M^r^ Walter Dulany who had disqualified himself by accepting a place under the Government [Naval Officer of Patuxent] since the last General Election, that on the fifth Day of October last past the Day appointed for the said Elections there were present the said Walter Dulany as Mayor of the Corporation aforesaid together with five of the Aldermen of the said city and the said Walter Dulany and John Hall were then proposed as Candidates the Honourable Daniel Dulany Esq^r^ Recorder being absent". The petition went on to say that although a candidate Walter Dulany "sat and Acted as Mayor during the whole Time of the said Election and did not withdraw himself from the Bench on any Controversy about the Qualifications of the Electors but objected in his Seat to the Qualification of such as Offered to vote against him and continued his Seat as Mayor at all Times during such Controversies". The petitioners further declared that his conduct as Mayor was unconstitutional and illegal, that they had made objection but were overruled by the [mayor's] court, and being overruled had entered these objections upon the polls; and that although Dulany had the majority of votes it was believed that the election return was void and tended to destroy the freedom of election; and the petitioners prayed the house that justice be done (pp. 135-136). It was ordered that the matter be heard on November 8 at the bar of the house; that the parties concerned be empowered to summon witnesses; and "that the petitioners have Leave to appear by Council". The Mayor, recorder, and aldermen were ordered to attend with the original poll of the election, and Mr. Hodgkin, clerk of the Mayor's court, was ordered to bring with him the minutes of the court proceedings taken at the election (pp. 135-136).

The committee on Elections and Privileges reported on November 8 that it had duly inspected the writs of election and the returns for the election of all delegates, and had found all in order, except that there were some technical errors in the returns from Frederick County, and that "M^r^ Samuel Chase is duly returned a delegate from the City of Annapolis and that M^r^ Walter Dulany is only returned by the Aldermen of the City" (pp. 143-144). The house after considering the petition relating to the Dulany election postponed further consideration of it until November 12 (pp. 144-145). When the matter then came up it was resolved by a vote of 26 to 21, all the Proprietary delegates voting in the negative, that it be entered on the Journal that Walter Dulany as Mayor sat in the chair on the bench during the time of the election, and while sitting objected to the qualifications of some of the voters who offered to vote against him; that there was no adjournment by order of the court properly signified to; and that it appeared to the house that the return of Dulany was made by four aldermen and was not signed by the recorder, who was then absent. A vote was then taken as to whether a mayor of Annapolis was eligible to serve as a delegate to the Assembly; this was decided in the affirmative by a vote of 29 to 17, many members of the Popular party voting in the affirmative with the Proprietary delegates. On the decisive question as to whether Dulany was elected or not, the vote stood 27 to 20 that he had not been duly elected. The Speaker was thereupon ordered to issue his warrant for a new writ of election directed to the "Mayor Recorder and Aldermen of Annapolis for the election of a Delegate . . . . in the Room of Walter Dulany Esq.r discharged from his Seat in this House" (pp. 151-153). The election was duly held, and on December 4 John Hall Esq., returned as a delegate from the city of Annapolis, appeared in the house, was sworn in, and took his seat (p. 200). It has not been learned whether or not Dulany ran against Hall. That there had been some question in the mind of the Governor whether Dulany could be thus ousted from his seat in the Lower House is shown by an entry in the proceedings of the Council. At a meeting of the Council held on November 29, 1765, the Governor laid before it a writ for the election of a delegate for the City of Annapolis and desired their opinion as to whether or not he should sign it. After considering the question a day the Council advised the Governor to sign it, which very obviously he did (*Arch. Md.* XXXII; 109, 110).

BACK PAY DUE MILITARY OFFICERS

The payment of back pay to the officers and privates of the Seven Years War had been held up for several years because of the failure of the Assembly to pass the Journal of Accounts. A number of officers of the late war sought to obtain from the Assembly at the November-December, 1765, session overdue pay for military services. Those who petitioned for pay were William Lynn (p. 44), Captain Joshua Beall (p. 50), Captain Francis Ware (p. 50), Lieutenant Rezin Beall (p. 50), Captain William MacClellan of Frederick County "praying recompense for services done under Colonel Bouquet" (p. 47), Captain Evan Shelby (p. 49), Barton Lucas, and Alexander Somerville "late officers in the Maryland troops" (pp. 54, 58).

A committee headed by Daniel Wolstenholme was appointed to make enquiry into the statements contained in the petitions of Joshua Beall, Francis Ware, Rezin Beall, Barton Lucas, and Alexander Somerville (pp. 160, 173, 179). This committee reported under date of December 2, setting forth in detail the claims of the several petitioners (pp. 196, 197). After consideration of the report, the house on December 18 made allowances, in "dollars" at the rate of seven shillings sixpence, to those named, for services and expenses during the late war, as follows: Joshua Beall for services and expenses £200; Lieutenant Rezin Beall for services £100; Francis Ware who had been "dangerously wounded" £250; Ensign Alexander Somerville for expenses and services £200; Barton Lucas for services £40; William Lynn of Frederick County £60. The report of the Committee gives interesting details of their respective services, campaign expenses, and allowances for each (pp. 196-197, 251-252). It is of course certain, owing to the failure of the Assembly to pass the Journal of Accounts, that none of these veterans at this time received any of the money "allowed" them by the Lower House. It may be added that Captain Francis Ware then represented Charles County in this Assembly. Captain Evan Shelby's petition for allowances for expenses incurred by him "for provisions and Clothing, & etc. furnishing a Company of Voluntiers raised by him in 1758", came before the house on November 16, and was considered and rejected. But the house immediately afterwards voted 22 to 19 that in "Consideration the extraordinary Merit of Capt.ⁿ Evan Shelby in his Spirited Conduct during the late War and the Advantages derived to the Common Cause thereby, the Question was put that a Sum of Money be given him as a Testimony of their Approbation". The house then by the same vote agreed that he be given £200 in "dollars" at the rate of seven shillings sixpence (pp. 159, 160).

The petition of Captain William MacClellan (McLennon) of Frederick County "praying a Recompense for services done under Colonel Bouquet" was referred by the Upper House to the Lower House where it was laid upon the table (p. 47). Governor Sharpe had a few days before sent a message to the Lower House enclosing a letter which he had received from "Brig. Gen. Bouquet when he was on his last Expedition against the Western Indians". The Governor went on to say that "you will see by the Letter that a Number of Voluntiers from Frederick County whose Names are mentioned in the Inclosed Muster Roll actuated by a very laudable Spirit went out under the Command of Captⁿ McClellan & Wolgamot to join the Kings Troops & Assist in reducing the Enemies of their Country". He reminded the house of the notable behaviour of the officers and men in this campaign and added "I think it my Duty to recommend their Services to your Consideration and hope you will think they merit some Reward from their Country" (p. 145). Nothing further, however, was heard of the matter at this session.

It seems likely that these petitions from veterans were the cause of the introduction and passage of a bill by the Lower House entitled "an Act for the speedy Payment to sundry Persons of several Sums of Money allowed to them on Account of the late War" (p. 176). This bill probably provided payment to the militia called out during the war, money due householders for quartering troops, and for clothing and provisions for soldiers. Payment of these claims was doubtless incorporated by the house in a separate bill because of the certainty that the Journal of Accounts, which ordinarily carried such items, would fail of passage. The bill was, however, rejected by the Upper House on November 26 on the ground that there were "other Persons equally entitled to Satisfaction from the Public, who ought to be considered at the same Time with Those who are favoured with the above Bill" (p. 58). That there was a change of heart on the part of the Upper House in regard to this measure, doubtless on account of the rising tide of indignation in Western Maryland against that body because of the failure of the two houses to agree upon the Journal of Accounts, to which the payment of the claims "on account of the late war" had been appended, is disclosed by an offer made the last day of the session by the Upper House. In a message dealing with the Journal of Accounts and the support of a Provincial Agent in London, the Upper House said that it was now willing to pass the bill which it had previously rejected, providing for the payment of the claims of the late war. This offer was made on the last day of the session, a few hours before adjournment. The desire of the delegates to leave Annapolis on account of the smallpox epidemic, probably combined with their wish to increase still further the indignation of the people towards the Upper House because of its failure to pass the Journal of Accounts, doubtless influenced the Lower House to pay no attention to the belated offer of the upper chamber to pass the bill.

APPENDIX

In the Appendix will be found reproduced a number of contemporary manuscripts and a few very rare printed pamphlets, bearing directly on General Assembly affairs for the 1764-1765 period, which have either not previously found their way into print, or if in existence in printed form, are available to only a very limited number of students of Maryland history. These cover the Stamp Act Congress and Maryland's part in it; several orders and instructions from Frederick, the Lord Proprietary, to Governor Sharpe directing him how he was to act in various controversies with the Lower House; a letter from Cecilius Calvert, the Provincial Secretary of Maryland in England, to the Proprietary; and the pamphlets which figured in the pamphlet warfare between the Proprietary interest and the Popular party as represented by the Lower House, a war of pamphleteers, which had its origin in criticisms of the Proprietary government of Maryland that had appeared in a London newspaper.

I. *Stamp Act Congress.* Although the Stamp Act Congress was held in the city of New York in October, 1765, it was not until nearly a year later that there came from a Maryland press a comprehensive account of the proceedings of that body, and more especially of the activities of the three Maryland "commissioners", Edward Tilghman, William Murdock, and Thomas Ringgold, who represented the Province. This was the pamphlet of twenty-eight pages, entitled *Proceedings| of the| Congress| at| New York|* Colophen: *Annapolis:| Printed by Jonas Green, Printer to the Province. MDCCLXVI|.* The 1765 journals of the Lower House record the letters from the Massachusetts House of Representatives calling the Congress, the appointment by the Maryland Lower House of its three commissioners, the appropriation by both houses of £500 for their expenses, and upon their return, the formal thanks of this house for their services, but for some reason the journal of the house for the 1765 sessions does not include the record of the proceedings of the Congress which had been laid before it at the November–December session by the three Maryland representatives, the several addresses to the King, to the House of Lords, and to the House of Commons; nor was there entered in the journal the letter written by the Maryland commissioners to Charles Garth appointing him Agent in England to represent Maryland there in Stamp Act affairs, nor the expense accounts of the commissioners at the Congress. These omissions from the 1765 journal, difficult to explain as they were matters of great public interest, are supplied by this pamphlet.

It was not until after news of the repeal of the Stamp Act had reached Maryland that the pamphlet appeared giving a full account of the Congress and the activities of the Maryland representatives. There will be found in the *Maryland Gazette* for September 11, 1766, an advertisement announcing the publication of this pamphlet. In the pamphlet we find recorded the events leading up to the calling of the Congress, the credentials of the commissioners from the colonies represented, the journal of its proceedings, the addresses to the King and both houses of Parliament, the letter to Garth, and the expense account of the Maryland representatives. As far as can be learned, the Garth letter and the expense account are not to be found elsewhere in print. It therefore seems advisable to reproduce in full in the Appendix (I) this extremely rare pamphlet of which only two copies are known to have survived, giving as it does not only an account of the Congress itself but of certain activities of the Maryland representatives of which there is no other printed record (pp. 327-356). It is to be noted, however, that the journal of the Lower House for the May, 1766, session, as recorded in the official manuscript liber from which the pamphlet was printed, does include the proceedings of the Stamp Act Congress and the other items listed above as missing in the 1765 journal, although these are not to be found in Green's contemporary printed *Votes and Proceedings* for the May, 1766, session, doubtless because the publication of the pamphlet had made reprinting unnecessary.

II. Proprietary instructions. Formal orders and instructions were issued at frequent intervals by the Lord Proprietary to the Governor, directing him as to what position he should take on various public questions and on matters involving the personal interests of the Proprietary. Most of the instructions for this 1764-1765 period have already been printed in Volume XIV of the *Archives,* but five, which have come to light since the publication of this volume in 1895, will be found in the Appendix (pp. 356-363). The originals of all these instructions are in the Calvert Papers in the possession of the Maryland Historical Society. All were issued early in the year 1765, four of them bearing the same date, January 16, 1765.

One of these instructions (A), dated January 16, 1765, expresses the Proprietary's warm approval of the action of Sharpe and the Upper House in refusing, at the October–November, 1763, session, to approve the Lower House bill relating to the enrollment of land conveyances, unless that house added a specific provision that the alienation fee, really a transfer tax, be paid to the Proprietary before the deed could be recorded in court (pp. 356-358). It may be added that Daniel Dulany, the Proprietary's legal adviser, felt that such a specific provision in the act itself was unnecessary, because its payment was provided for under the terms of the patent, and that therefore the fee could be collected in the Court of Chancery (*The Calvert Papers Number Two, 1894,* pp. 235-239: *Md. Hist. Soc. Fund-Publication, No. 34*). In 1766, doubtless as the result of Dulany's opinion, a law, which made no mention of the alienation fee, was passed and approved. (B) Under the same date another instruction by Frederick to Sharpe was issued directing him, under no circumstances to assent to any bill in which the license fees for ordinaries or inns, under which the Proprietary's "sole right and privilege" to these was not specifically recognized (pp. 359-360). The dispute between the Proprietary and the people over these licenses had now been going on for nearly three-quarters of a century. It is to be noted that in the following year, 1766, Frederick, on the advice of Daniel Dulany, was finally obliged on legal grounds to relinquish his claims to the license fees. (C) Another instruction, also dated January 16, 1765, notified Sharpe of the Proprietary's formal assent to various laws, sixty-six in number, which had been passed, and approved by the Governor, at the March–April, 1762, and October–November, 1763, sessions (pp. 360-361). It will be noted that since the 1762 session nearly three years had elapsed, and that the acts then passed had been in force during all this period, although the formal assent of the Proprietary was required to put the final legal stamp of approval upon them. (D) A fourth instruction, of the same date as the above three, directed Sharpe to appoint James Hollyday to the place on the Council made vacant by the death of Philip Key (pp. 361-362). It is to be noted that Hollyday refused the appointment, preferring to remain in the Lower House. (E) The fifth instruction, dated February 14, 1765, directed Sharpe to appoint Colonel Henry Hooper, Speaker of the Lower House, to the place on the Council made vacant by the death of Stephen Bordley; and to appoint Charles Goldsborough, a member of the Council, to the office of Commissary-General or judge of the Probate Court, which had also been made vacant by Bordley's death. Frederick also formally confirmed all church benefices, provincial preferments and offices which had been filled by his uncle, Cecilius Calvert, during the former's absence from England (pp. 362-363).

III. *Letter of Cecilius Calvert.* This letter of Cecilius Calvert to his nephew, Frederick, Lord Baltimore, dated London, March 28th, 1764, which is printed in the Appendix (pp. 363-366), is written in such a jerky style and with so many abbreviations, as to suggest that it is a rough abstract rather than the letter actually sent to the Lord Proprietary. The writer heaps contempt upon the "sophistical upstart" who wrote the "Queries"; lauds Sharpe and the Upper House; denies that the Upper House refused to pass a law providing for the support of a Provincial Agent in Great Britain, saying that it was willing to make provision for such an Agent, if both houses made the appointment and had joint authority over the expenditure of the monies appropriated. The letter is incomplete, breaking off in the middle of a sentence.

IV. *Pamphlet and newspaper controversy.* Maryland politics were injected into a wordy war of newspaper writers and pamphleteers in the 1763-1765 period. In the London *Public Ledger* for November 17, 1763, an anonymous writer, hostile to the Proprietary government of Maryland, inserted a series of sixteen "Queries", so framed as to show: that the Upper House of the Assembly, composed as it was of the members of the Council, was the mere creature of the Proprietary, and like the Governor was entirely subservient to his will; that the most lucrative Provincial offices, civil and judicial, were held by its members; that the entire judiciary, including the Chancellor, who was the Governor, was under proprietary control; and that it was this Proprietary influence which had blocked the appointment of an Agent in England to represent the people of Maryland before the Crown in their disputes with the Proprietary, and had prevented the passage, over a period of six years, of the nine-times rejected Supply or Assessment Bill, carrying an appropriation for the support of Maryland militia during the Seven Years' War. The editor of the *Archives* regrets that conditions in England in recent years have been such that it was impossible to secure an exact copy of the original "Queries" as they appeared in the London *Public Ledger;* in fact the only file of this paper known to him to have been preserved is said to have been destroyed in London in 1940 by enemy action. There is no reason to believe, however, that these "Queries" as they appear in the old manuscript to be next cited, and as they are quoted in subsequent replies to them to be discussed later, differ in any respect from the form in which they originally appeared in that newspaper. The old undated manuscript in the State Archives in the Hall of Records, Annapolis, which is reproduced in the Appendix (IV) under the title: "Brief Answers to Queries in the London Public Ledger of March 17th, 1763" (pp. 367-372), was obviously written in the 1763-1764 period for (or possibly by) some important representative of the Proprietary Government, doubtless Cecelius Calvert. Written in a clerk's hand, no definite clue as to its authorship is afforded by the handwriting. These "Brief Answers" are a slightly altered version of the answers to the *Public Ledger* "Queries" as they appear in *An Answer to the Queries on the Proprietary Government of Maryland* (etc.), which appeared anonymously in 1764 in pamphlet form and is discussed in a later paragraph (pp. lxxi-lxiii); but, unlike the pamphlet, the "Brief Answers" do not include the queries to which they are the answers. A significant difference is the omission in the manuscript "Brief Answers" of any answer to query 9, which is a covert attack upon Cecilius Calvert personally and upon his religious affiliations, insinuations which are indignantly answered at length in the pamphlet (pp. 415-416).

V. A few months after the appearance of the "Queries" in the *Public Ledger* there was published anonymously, early in 1764, a pamphlet by "A Friend to Maryland", with the title *Remarks upon a Message sent by the Upper House of Assembly of Maryland 1762,* printed in the year 1764 (pp. 372-408). This pamphlet of some seventy-one pages, from a pen as hostile to the Proprietary government as was the author of the "Queries", took the Upper House, the Governor, and the Proprietary severely to task for a message sent by the Upper to the Lower House on the last day of the March–April, 1762, session, too late for the latter house to reply, which had violently attacked the lower chamber for having again passed a Supply Bill not to the liking of the Upper House. This rather intemperate message is known to have been written by Stephen Bordley, the Attorney-General. The pamphlet, which for brevity will be called the "Remarks", defended the Lower House at great length and with considerable ability. There are good reasons for believing that it came from the press of Franklin & Hall in Philadelphia, and that Benjamin Franklin played a considerable part in its preparation, although it seems most unlikely that he personally wrote it in the entirety. It is to be noted that the *Proprietary,* as he is invariably called in Maryland writings of this period, appears in the "Remarks" as the *Proprietor.*

VI. There next appeared in the latter part of the year 1764 another anonymous pamphlet, almost certainly from an English press, defending the Proprietary and the Upper House, not only from the reflections cast upon them in the *Public Ledger* "Queries" in 1763, but also against the attack made upon the Proprietary government by the writer of the "Remarks", referred to in the preceding paragraph. This pamphlet is reprinted in the Appendix (pp. 409-457). The anonymous defender of the Proprietary government, like his antagonist the author of the "Remarks", styled himself "A Friend to Maryland", and gave to his pamphlet of one hundred and sixty pages a very long double-headed title: *An Answer to the Queries on the Proprietary Government of Maryland, inserted in the Public Ledger. Also, an Answer to the Remarks upon a Message sent by the Upper to the Lower House of Assembly of Maryland, 1762. . . . By a Friend to Maryland. Printed in the Year 1764.*

The author, or authors, of the above cited "An Answer" and "Brief Answers" cannot be established with absolute certainty, but, as will be shown, there is evidence which points to his, or their, identity. Among the Calvert Papers, a large collection of historical manuscripts relating to Colonial Maryland, obtained by the Maryland Historical Society in 1888 from the Calvert heirs in England, is a rough draft of the text of the pamphlet, "An Answer", printed in 1764. A few of the folio pages of this manuscript are missing, however. This original draft has been quite freely corrected, added to, and deleted in an entirely different hand. The corrected draft is, with a few changes, the text of the pamphlet as printed, and may well have been the actual "copy" used by the printer. The only difference between the corrected draft and pamphlet are trivial verbal changes which may have been made on the printer's proof. No definite clue as to who was the writer of this manuscript is to be obtained from an examination of the original draft in the clerical hand, but the handwriting in which the corrections, additions, and deletions were made, appears to be that of Cecilius Calvert, the Secretary of Maryland in England, as revealed by comparing the handwriting of these changes with various letters and memoranda in his hand to be found among the Calvert Papers. In one of Calvert's letters printed in the *Correspondence of Governor Sharpe* (*Arch. Md.* XIV), and in a letter of his reproduced in the Appendix of this Volume (pp. 363-366), it will be seen how bitterly he resented the attacks upon the Proprietary government in the "Queries" and "Remarks", and especially the reflections upon him personally (pp. 364, 415-416). A motive is also thus supplied.

From internal evidence, it seems probable that the original draft of "An Answer" was prepared by someone living in Maryland. That this was the Reverend Thomas Bacon, as suggested by Daniel Dulany, seems most likely. Bacon, the rector of All Saints Parish, Frederick County, a scholar well versed in Maryland history and the author of the notable *Laws of Maryland at Large,* was especially well quipped from his knowledge of contemporary Maryland affairs to have been the author of the original draft, although this is not in his handwriting. Under date of September 10, 1764, Daniel Dulany writing from Maryland to Cecilus Calvert about the "Remarks", says: "It was said that an Answer was preparing to the *Remarks* with the assistance of M.^{r} Bacon. He is an ingenious man and well acquainted with the springs of our Political Disputes" (*The Calvert Papers Number Two 1894*, p. 233). There seems to be no valid reason to question Dulany's supposition as to the author. That Cecilius Calvert also had a part in the preparation of "An Answer", apart from the evidence afforded by the handwriting, is further supported by the statement he made in a letter to Sharpe (?), dated January 16, 1765, in which writing of "An Answer", he declared: "My name must be unnoticed" (ibid p. 250).

The authorship of the "Remarks" and "An Answer" has long been a matter of considerable speculation by writers on this period of Maryland history, and this is the reason why it is discussed here in such detail. The interested reader is referred to a scholarly discussion of the place of printing of the "Remarks" and of "An Answer," to be found in Lawrence C. Wroth's *A History of Printing in Colonial Maryland*, 1922, (pp. 220-222), who believes on typographical grounds that the "Remarks" were from Franklin's Philadelphia press and that "An Answer" was printed in England. The extreme rarity of the "Remarks" and "An Answer", there being only three known copies of each pamphlet, and the fact that neither of them has ever before been reprinted, and more especially because they deal almost entirely with Assembly affairs for this period, make it advisable to reprint both of them in the Appendix (pp. 372-457). The shorter of the two pamphlets, the "Remarks" is printed in full, but in the case of the lengthier "An Answer", where long messages between the two houses and legal opinions are quoted in full in the pamphlet, the editor, to save space, reprints only the opening paragraph of the lengthier messages, referring the reader to a recent volume of the *Archives* (LVI), where these messages and legal opinions will be found printed in full. Cecilius Calvert in the contemporary letter to his nephew Frederick, Lord Baltimore, dated March 28, 1764, also printed in the Appendix, comments at length on the *Public Ledger* "Queries", which were written, he says, by an "anonymous sophistical upstart" (p. 364).

It will not be possible to give even a brief synopsis of all the controversial political questions brought forward and discussed in the "Queries", "Remarks", and "An Answer". Here we have brought together and quite ably presented the arguments on both sides of such controversial questions as: the character of the Provincial government, especially the relation and powers of the two houses; the interpretation of the Maryland charter; the judiciary; the Council; Proprietary prerogatives; relations with the Crown; support for a Provincial Agent in London; the rejected Supply or Assessment Bill and its proposed taxes on incomes; export tonnage duties on tobacco; the opinion of the Attorney-General of the Crown on the Constitution of Maryland; the right of the Proprietary to summarily remove councillors; the concentration of important offices in the hands of the members of the Council; double taxation of Roman Catholics and the suspected Catholicism of Cecilus Calvert; the claims of the Lower House to the powers and privileges of the House of Commons, and its right to initiate all money bills; the right of appeal to the Crown; and the attacks on John Ridout, the Governor's secretary, recently made a councillor. It may be said with certainty that the questions involving the rights of the people as opposed to those of the Proprietary, which were brought forward in these pamphlets and newspaper queries, were not, and could not have been, settled by argument and debate. It required a revolution to determine them once and for all.

A bill was introduced in the Lower House by Thomas Johnson on December 7, 1765, entitled: "An act to enable the Proprietors of inspected Tobacco to remove the same from the Inspecting-Houses to other Warehouses, convenient for the landing thereof on board Vessels for Exportation". No legislative action, however, was taken on this bill by the house, except it was ordered that it be referred for consideration at the next session of the Assembly, and Jonas Green was ordered to print it with the *Votes and Proceedings* of the November–December, 1765, session (pp. 213-214). The bill as it was printed by Green is reproduced in the Appendix (pp. 457-463). The lists of acts passed at the two subsequent sessions of the Assembly held in 1766, do not show that an act with this title was passed.

THE EDITOR.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY OF MARYLAND

At a Session Held at Annapolis, September 23–28, 1765.
Being the First Session of the Assembly Elected in
November–December, 1764

FREDERICK CALVERT, LORD BALTIMORE
Lord Proprietary.

HORATIO SHARPE,
Governor.

PROCEEDINGS

OF THE

UPPER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Monday, the 23.^{d} day of September in the Fifteenth Year of his Lordships Dominion Anno Domini 1765.

U. H. J.
Liber No. 36
1765
Sept. 23
p. 200

Present.

His Excellency Horatio Sharpe Esq.^{r} Governor

The honble
Benjamin Tasker Esq.^{r}
Charles Hammond Esq.^{r}
Richard Lee Esq^{r}
Charles Goldsborough Esq.^{r}
John Ridout Esq.^{r}

Mes.^{rs} Ringgold and Hanson acquaint His Excellency that there are a Sufficient Number of Members, met to make a House and wait his Excellencys Commands.

Mes.^{rs} Lee and Ridout are sent to the Lower House to Administer the Oaths to the Government appointed to be taken by Act of Assembly of this Province to the Several Members, of that House and ordered that the Clerk of this House attend them who Administered the several Oaths to the several Members then present and they all Subscribed the Oaths of Abjuration and Test.

Charles Hammond and Richard Lee Esq.^{rs} are sent to acquaint the Lower House that his Excellency requires their attendance in the Upper House immediately.

The Lower House attend & his Excellency orders them to return to their House and make Choice of a Speaker:

Mess.^{rs} Goldsborough and Holliday from the Lower House acquaint his Excellency their House hath made Choice of a Speaker.

Rich.^{d} Lee and John Ridout Esq.^{rs} are sent to the Lower House to Inform them that His Excellency requires their attendance in the Upper House to present their Speaker for his Approbation.

The Lower House attend and present Rob.^{t} Lloyd Esq.^{r} for their Speaker with which Choice his Excellency declared himself well pleased and makes the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly.

Having Reason to think it would be very agreeable to you to be Convened as soon as the unlucky Cause which made me decline meeting You last Spring was removed I have called you together

U. H. J. Liber No. 36 Sept. 23 before the day to which the Assembly stood prorogued. hoping that my doing so will Convince You of my desire to gratify You and afford You an Opportunity to promoting the true Interest of your Country.

You will I presume Gentlemen during this Session not only have the Paper Money that hath been paid into the Loan Office, burnt agreeable to the Act, and the Books Ballanced, but also by paying off the Publick Debt bring into Circulation at this time when the p. 201 want of it is much felt, the Specie that is at present lock'd up in that Office and such Money as having been remitted to England by Virtue of Several Acts of Assembly still remains there unappropriated.

I have not for my part any thing Gentlemen at this Time to ask of you and it would be unnecessary for me to recommend to you the making of such new Laws as Your own Experience teaches You the Province is in want of I shall therefore only say that I most sincerely wish all your Deliberations may tend to advance the Publick Good, and that altho' You compose two Houses, yet since your Interest is the same You may proceed with the greatest Harmony, and as is your Duty, be unanimous in your Endeavours, to promote the Welfare of your Country which I also consider as my own.

23 Sept.r 1765.

Mess.rs J Goldsborough and Lecompte from the Lower House acquaint his Excellency that their House hath made Choice of M.r Michael Macnemara for their Clerk and hope for his Excellency Approbation to whom his Excellency is pleased to declare that he approves their Choice.

Mess.rs J Goldsborough and Lecompte from the Lower House attend with M.r Michael Macnemara, Clerk of the said House in order to see him Qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly and Subscribes the Abjuration and Test and also takes the usual Oath of Office and then withdraws.

Adjourned till to Morrow Morning 10 of the Clock.

Sept. 24 Tuesday Morning 24th Sept.r 1765.

This House met again according to Adjournment.

Present as Yesterday and Col.o Hooper.

Mess.rs Worthington Hall and Deye attend with M.r John Hammond Member Elected for Ann Arundel County M.r Corbin Lee for Baltimore County, and Col.o Nicholas Hyland for Cæcil County to see them Qualified who take the Oaths to the Government appointed to be taken by Act of Assembly repeat and Subscribe the Abjuration and Test and then withdraw.

U. H. J.
Liber No. 36
Sept. 24

Adjourned till 3 of the Clock in the Afternoon.

Eodem Die Post Meridiem.

This House met again according to Adjournment.

Present as in the Morning and Col.° Lloyd.

Mess.rs Edmondson Gant and Chaille attend with Mr Woolman Gibson Member Elected for Talbot County, John Adams and William Adams for Somerset County, and Joseph Chaplin for Frederick County, to see them Qualified who take the Oaths to the Government appointed to be taken by Act of Assembly repeat and Subscribe the Abjuration and Test, and then withdraw.

Benjamin Tasker Esq.r attended by the Members of this House presents to His Excellency their Address which follows in these Words

p. 202

To His Excellency Horatio Sharpe Esq.r Governor and Commander in Chief in and over the Province of Maryland.

The Humble Address of the Upper House of Assembly

May it please Your Excellency.

To accept the Thankful Acknowledgements of His Majestys Dutiful and Loyal Subjects the Upper House of Assembly for Your very kind Speech at the Opening of this Session.

Your Excellency's Convening, the General Assembly of the Province at this Juncture hath We are persuaded given the People great Satisfaction and is an Instance of your Excellency's affectionate Regard for those over whom You happily preside.

Sensible how much it is at present wanted in the Province We hope some Method will during the Course of the Session be fallen upon to bring into Circulation the Money Your Excellency Mentions, And We beg leave to assure you that We shall on Our Part Endeavour to cultivate the best understanding with the Gentlemen who Compose the other House and flatter Ourselves that as We are equally Interested in the Welfare of Our Country there will be no other Contention between Us than who shall Endeavour most to Promote it. Benj: Tasker President

24th Sept.r 1765.

Adjourn'd till to Morrow Morning 10 of the Clock

Wednesday Morning 25th Sept.r 1765.

Sept. 25

This House met again according to Adjournment.

U. H. J.
Liber No. 36
Sept. 25

Present.

The honble
Benjamin Tasker Esq^{r}
Samuel Chamberlain Esq.^{r}
Rich^{d} Lee Esq.^{r}
Col.^{o} Henry
Charles Goldsborough Esq.^{r}
Edw.^{d} Lloyd Esq.^{r}
Henry Hooper Esq.^{r}

Mess.^{rs} Adams and Lecompte attend with Sam.^{l} Willson and W.^{m} Winder Members Elected for Somerset County, and Col.^{o} Henry Travers for Dorchester County to see them Qualified who take the Oaths to the Government appointed to be taken by Act of Assembly repeat and Subscribe the Abjuration and Test and then withdraw.

Adjourned till 3 of the Clock in the Afternoon.

Eodem Die post Meridiem.

This House met again according to Adjournment.

Present as in the Morning and Jn.^{o} Ridout & D.^{l} Dulany Esq.^{rs}

Mess.^{rs} Chaplin and Gant attend with Col.^{o} Tho.^{s} Cresap Member Elected for Frederick County, to see him Qualified who takes the p. 203 Oaths to the Government appointed to be taken by Act of Assembly repeats and Subscribes the Abjuration and Test and then withdraws.

A Message from the Lower House by Mess.^{rs} J: Goldsborough and Hanson.

By the Lower House of Assembly 25.th Sept.^{r} 1765.

May it please Your Honours

This House hath Resolved that the Sum of five hundred Pounds Current Money be paid by the Treasurer of the Western Shore into the Hands of Will.^{m} Murdock, Edw.^{d} Tilghman and Thomas Ringgold Esq.^{rs} (Committees appointed by this House to meet the Committees from the Houses of Representatives or Burgesses of the several British Colonies on this Continent at the City of New York on the first Tuesday of October next to consult together on the present Circumstances of the Colonies and the Difficulties to which they are and must be reduced by the Operation of the late Acts of Parliament for Levying Duties and Taxes on the Colonies and to consider of a General and United Dutiful Loyal and humble Representation of their Condition to His Majesty and the Parliament, and to implore Relief) to be applyed by them in and towards the Expences attendant thereon. and if they shall Expend more Money in that Service that they be repaid in the first Application of Publick Money hereafter, and if the whole shall not be expended what may remain to be returned into the Hands of the said Treasurer And this House Proposes that the said Sum of Money be so paid and applyed by way of Ordinance in which We request Your Honours Concurrence.

Signed ꝑ order M: Macnemara Clk: Lo: Ho:

The following Message is sent by Col.° Hooper. U. H. J. Liber No. 36 Sept. 25

By the Upper House of Assembly 25th Sept.r 1765.

Gentlemen

Not having at present any regular Notice of the Foundation of the Resolve referred to in Your Message of this day and it being necessary that We Should be apprized of it before We come to a Determination on the Subject of that Message We request that You will be pleased to Communicate it to this House.

Sign'd ꝑ order Upton Scott Clk: Up: Ho:

Adjourn'd till to Morrow Morning 10 of the Clock.

Thursday Morning 26.th Sept.r 1765. Sept. 26

This House met again according to Adjournment:

Present as Yesterday.

Mess.rs Wilson and Chaillé attend with W.m Allen and Parker Selby Members Elected for Somerset [*sic,* i.e. Worcester] County to see them Qualified who take the Oaths to the Government appointed to be taken by Act of Assembly repeat and Subscribe the Abjuration and Test and then withdraw. p. 204

Mess.rs Hanson and Plater from the Lower House present the following Message and the Letters from the Speaker of the Massachusetts Bay.

By the Lower House of Assembly 26.th Sept.r 1765.

May it please Your Honours.

In Compliance with the request Contained in Your Message received this day We send You herewith Copies of Letters received by Our Speaker from the Speaker of the House of Representatives of the Province of Massachusetts Bay and of a Committee of the said House which were the Foundation of the Resolve referred to in Our Message.

Signed ꝑ order M: Macnemara Clk: Lo: Ho

In the House of Representatives 13th June 1764.

The Committee appointed to Consider the Letters from M.r Agent Mauduit reported the Draught of a Letter to him which was Read and accepted and

Ordered that a fair Draught thereof be transmitted to said Agent together with the State of the Rights of the British Colonies and that he be informed that said State was drawn up by one of the House and to be improved by him as he shall judge Proper.

Ordered that M.r Otis, M.r Thacher, M.r Cushing Cap.t Sheaf and M.r Grey be a Committee in the Recess of the Court to Write

U. H. J. Liber No. 36 Sept. 26 to the other Governments to acquaint them with the Instructions, this day Voted to be sent to the Agent of this Province directing him to use his Endeavours to obtain a Repeal of the Sugar Act and to exert himself to prevent a Stamp Act or any other Impositions and Taxes upon this and the other American Provinces and that the said Committee in the Name and behalf of this House desire the several Assemblys on this Continent to Join with them in the same Measures.

Att.r R: Cotton Clk: House Represent.s

To the Honourable the Speaker of the House of Burgesses of the Province of Maryland.

Sir

The House of Representatives of his Majestys Province of the Massachusetts Bay at the Session of the General Assembly in May last being informed of the late Act of Parliament relating to the Sugar Trade with the Foreign Colonies and the Resolutions of the House of Commons relating to the Stamp Duties and other Taxes proposed to be laid on the British Colonies were humbly of Opinion that these Measures have a Tendency to deprive the Colonists of some of their most essential Rights as British Subjects and as Men Particularly the Right of Assessing their own Taxes, and being free p. 205 from any Impositions but such as they Consent to by themselves or Representatives.

Our Agent informs us that in a Conference he had with M.r Greenville on these Subjects he was told that the Ministry were desirous of Consulting the Ease the Quiet and Goodwill of the Colonies. Such Expressions induce us to hope that there is nothing punitive in these Measures and that humble Dutiful Remonstrations may yet have their Effect, But if while these things are thus Publickly handled no Claim is made no Remonstrance is preferred on the part of the Colonies Such Silence must be interpreted a Tacit Cession of their Rights and an humble Acquiescence under all their Burdens. The House have Wrote fully upon this Subject to the Agent of this Province and directed him to remonstrate against these Measures to endeavour a Repeal of said Act and if Possible to prevent the Imposition of any further Duties and Taxes on the Colonies for this purpose they were desirous of the United Assistance of the Several Colonies in a Petition against such formidable Attacks on what they Conceive to be the Inseparable Rights of British Subjects and that the Agents of the Several Colonies might be directed by the Representatives of the People on the Continent of North America to Unite in the most Serious Remonstrance against Measures so distructive of the Liberty the Commerce and Property of the Colonists, and in their Tendency so pernicious to the real Interest of Great Britain. The House have done us the Honour to appoint as a Committee in the Recess of the General Court to inform the several

Houses of Representatives of this Continent of their desires. and We do Ourselves the Honour to Subscribe Ourselves U. H. J. Liber No. 36 Sept. 26

Your most humble Servants
James Otis
Thomas Cushing
Oxenbridge Thacher
Thomas Gray
Edw. Sheaffe.

To the Speaker of the House of Burgesses at Maryland.
Province of the Massachusetts Bay
Boston 8.th June 1765.

Sir

The House of Representatives of this Province in the present Session of the General Court have unanimously agreed to propose a Meeting as soon as may be of Committees from the Houses of Representatives or Burgesses of the several British Colonies on this Continent to Consult together on the present Circumstances of the Colonies and the Difficulties to which they are and must be reduced by the Operation of the Acts of Parliament for Levying Duties and p. 206 Taxes on the Colonies and to Consider of a General and United Dutiful Loyal and humble Representation of their Condition to his Majesty and the Parliament and to implore Relief. The House of Representatives of this Province have also Voted to propose that such Meeting be at the City of New York in the Province of New York on the first Tuesday of October next and have appointed a Committee of three of their Members to attend that Service with such as the other Houses of Representatives or Burgesses in the Several Colonies may think fit to appoint to meet them and the Committee of the House of Representatives of this Province are directed to repair to said New York on said first Tuesday of October next accordingly. If therefore Your honourable House should agree to this Proposal it would be acceptable that as early notice as Possible might be transmitted to the Speaker of the House of Representatives of this Province. Samuel White Speaker

I hereby Certify that the aforegoing are true Copies
M: Macnemara Clk Lo: Ho:

His Excellency is pleased to Communicate to this House his Answer to their Address which follows in these Words.

Gentlemen of the Upper House of Assembly.

I return You thanks for Your Obliging Address which shews how much You have the Welfare and happiness of your Country at heart and leaves no Room to doubt but every thing will be done on your part to promote it. Hor.° Sharpe

U. H. J. Liber No. 36 Sept. 26 Mess.rs Chaplin and Gant attend with James Smith Member Elected for Fred.k County to see him Qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats and Subscribes the Abjuration and Test and then withdraws.

Adjourn'd till 3 of the Clock in the Afternoon

Eodem Die Post Merideim

This House met again according to Adjournment.

Present as in the Morning.

The following Message is sent by Jn.o Ridout Esq.r

By the Upper House of Assembly 26.th Sept.t 1765

Gentlemen

We approve of the Measures in sending Commissioners from this Province to meet such as have been appointed in the other Colonies in order to Consult together on the present Circumstances of the Colonies and the Difficulties to which they are and must be reduced by the Operation of the late Acts of Parliament for Levying Duties p. 207 and Taxes on the Colonies and to Consider of a General and United dutiful Loyal and humble Representation of their Condition to his Majesty and the Parliament and to implore Relief and therefore Shall Chearfully Concur in an Ordinance for the Payment of £500 Current Money by the Treasurer of the Western Shore into the hands of the Gentlemen mentioned in Your first Message but We cannot concur even in a Vote and much less in an Ordinance of unlimited Credit and expect that Care will be taken in framing an Ordinance for the payment and application of the above Sum of Money, that the Commissioners may be directed to lay a particular Account of their Disbursements thereof together with the Proceedings they shall join in with the Commissioners of the other Colonies before the General Assembly of this Province as soon as Conveniently may be Should an Expence be incurred in the Execution of the above Measure exceeding the £500. We presume upon its Propriety appearing a Future Provision may be made

Signd ꝑ order Upton Scott Clk. Up: Ho:

Mess.rs Mackall and Dent attend with an Ordinance for the purposes therein mentioned, which Ordinance being Read is sent back by Dan.l Dulany Esq.r with the following Message.

By the Upper House of Assembly 26th Sept.r 1765.

Gentlemen

We agree to the Ordinance proposed if made agreeable to Our last Message; Viz.t by inserting the following Words to Wit "thereof together with the Proceedings they shall join in with the Commissioners of the other Colonies" between the Word "Disbursements" and the Word "before" in the 8th Line, and by Leaving out what follows after the Word "Treasurer" in the 9th Line. U. H. J. Liber No. 36 Sept. 26

Sign'd ꝑ order Upton Scott Clk: Up: Ho:

Adjourn'd till to Morrow Morning 10 of the Clock

Friday Morning 27.th Sept.r 1765. Sept. 27

This House met again according to Adjournment.

Present as Yesterday.

The following Message is sent by Rich.d Lee Esq.r

By the Upper House of Assembly 27.th Sept.r 1765.

Gentlemen

Understanding that the first Amendment proposed by this House, of the Ordinance for paying into the hands of a Committee of Your House the sum of £500 Currency by the Treasurer of the Western Shore is an Obstruction to the passing of that Ordinance, and being desirous of cultivating particularly on this Occasion a Good Correspondence between the two Houses We have agreed to Wave that p. 208 Amendment and to pass the Ordinance without its Insertion Should You think proper to return it to Us for that purpose. But what follows after the Word "Treasurer" in the 9th Line of the Ordinance We expect will be left out according to Our former Proposition, for the Reason before given

Sign'd ꝑ order Upton Scott Clk: Up: Ho:

Adjourn'd till 3 of the Clock in the Afternoon.

Eodem Die post Meridiem.

This House met again according to Adjournment.

Present as in the Morning.

The following Ordinance is brought from the Lower House by Mess.rs J: Goldsborough and Mackall.

An Ordinance for applying the Sum of £500 Current Money to the purposes therein mentioned.

It is Ordained, by his Excellency and the Upper and Lower Houses of Assembly that the Sum of £500 Current Money be paid by the Treasurer of the Western Shore into the hands of William Murdock Edw.d Tilghman and Tho.s Ringgold Esq.rs a Committee appointed by the Lower House of Assembly to meet the Committees from the Houses of Representatives or Burgesses of the several British Colonies on this Continent at the City of New York on the first Tuesday of October next to consult together on the present Circumstances of

U. H. J. Liber No. 36 Sept. 27 the Colonies and the Difficulties to which they are and must be reduced by the Operation of the late Acts of Parliament for levying Duties and Taxes on the Colonies and to Consider of a general and United dutiful Loyal and humble Representation of their Condition to his Majesty and the Parliament and to implore Relief, be by them applyed in and towards the Expenses attendant thereon, and that they lay an Account of their Disbursements before the General Assembly of this Province as soon as Conveniently may be and that the Ballance if any be by them returned into the hands of the Treasurer.

Hor: Sharpe.

27th Sept.r 1765. Read and assented to by the Upper House of Assembly

Signed ꝑ order. Benjamin Tasker President

27th Sept.r 1765. Read and assented to by the Lower House of Assembly

Signed ꝑ order Rob.t Lloyd Speaker

Sent to the Lower House by Col.o Henry.

Adjourn'd till to Morrow Morning 10 of the Clock.

Sept. 28 Saturday Morning 28.th Sept.r 1765.

This House met again according to Adjournment.

Present as Yesterday.

p. 209 Adjourn'd till 3 of the Clock in the Afternoon.

Eodem Die post Meridiem.

This House met again according to Adjournment.

Present as in the Morning.

A Bill from the Lower House by Mess.rs Lecompt and Mackall Entituled an Act, to Continue all such Acts of Assembly of this Province as would expire with this Session of Assembly, thus Endorsed.

By the Lower House of Assembly 28th Sept.r 1765

Read the first and second time by an especial Order and will pass

Sign'd ꝑ order M Macnemara Clk: Lo: Ho:

Read the first time in this House and ordered to lay on the Table.

Sign'd ꝑ order Upton Scott Clk: Up: Ho:

Read the second time by an especial Order and will pass, and sent to the Lower House by Richard Lee Esq.r

A Message from the Lower House by Mess.rs Baker and Gibson. U. H. J. Liber No. 36 Sept. 28

By the Lower House of Assembly 28th Sept.r 1765.

May it please your Honours

It not having been usual for Ordinances, to be returned from Your House to Ours after assented to by you We herewith return the Ordinance you sent Us that the Proceedings thereon may be as usual.

Sign'd ℘ order M. Macnemara Clk: Lo: Ho:

His Excellency is pleased to Communicate to this House the following Message.

Gentlemen of the Upper House of Assembly.

It being Probable that the Stamp't Paper destined for this Province, in Consequence of the Act of Parliament that was made last Session, by the Legislature of Great Britain will soon arrive here, and that the Master of the Vessel who may have Charge thereof, will desire me to give Orders for its being Landed and Lodged in some place of Security, especially as the Person appointed to distribute the Stamps here, has I Understand left the Province I should be glad to know how You would Advise me to Act on Such Occasion.

28th Sept.r 1765. Hor:o Sharpe.

An Engrossed Bill from the Lower House by Mess.rs Murdock and Holliday Entituled, An Act to Continue all such Acts of Assembly of this Province as would expire with this Session of Assembly, thus Subscribed.

28th Sept.r 1765.

Read and assented to by the Lower House of Assembly.

Sign'd ℘ order M: Macnemara Clk: Lo: Ho:

Read and assented by this House and Ordered to be so Subscribed. p. 210

The Paper Bill so Endorsed is sent to the Lower House by Col.o Lloyd.

Benjamin Tasker Esq.r attended by the Members of this House Presents to his Excellency their Address which follows in these Words

To His Excellency Horatio Sharpe Esq.r Governor and Commander in Chief in and over the Province of Maryland.

The Humble Address of the Upper House of Assembly.

May it please Your Excellency.

As the Treatment of the Person said to be appointed Distributor of the Stamps for this Province, lately met with on his Arival from England and the Behaviour of Numbers of the Inhabitants of these Colonies on Occasion of the Act of Parliament said to have been made for imposing a Stamp Duty Affords great Room to apprehend

U. H. J.
Liber No. 36
Sept. 28

that if the Stamp'd Papers destined for this Province where there is no Place of Defence or Security in which they could be Lodged were to arrive and be landed this time an Attempt at least would be made to destroy them We humbly Submit it to Your Excellency as Our Opinion that in Order to prevent such an Indignity being Offered to the Legislature of Great Britain it might be recommended to the Commander of One of his Majestys Ships on the Virginia Station to receive the Papers on Board until some Person duly Qualified to take Charge thereof shall apply for them or Your Excellency shall think they may be landed here without Risk or until his Majestys Ministers shall Signifie where they would have them deposited or how disposed of.

28th Sept.^{r} 1765. Benjamin Tasker President.

Samuel Chamberlain Esq.^{r} and Col.^{o} Lloyd are sent to the Lower House to acquaint the Speaker that his Excellency requires his immediate attendance with the Lower House to see the Bill passed both Houses this Session receive the Assent. The Lower House attend and by their Speaker present to his Excellency the following Bill.

A Bill Entituled, An Act to continue all Such Acts of Assembly of this Province as would expire with this Session of Assembly.

Which his Excellency passed into a Law in the usual form by Sealing it with the Right honourable the Lord Proprietary his great Seal at Arms and Subscribing it on behalf of the Right honourable the Lord Proprietary of this Province I will this be a Law.

After which his Excellency was pleased to Conclude this Session with the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly.

I have thought fit with the Advice of his Lordships Council of State to Prorogue this Assembly to the 31.st day of October next You are therefore to take Notice that You are prorogued to that day accordingly.

Thus Ends this Session of Assembly begun and held at the City of Annapolis on Monday the 23.^{d} day of Sept.^{r} ending the 28.th day of the same Month in the Fifteenth Year of his Lordships Dominion and in the Fifth Year of his Majestys Reign Annoq^{ue} Domini 1765.

Upton Scott Clk: Up: Ho:

PROCEEDINGS

OF THE

LOWER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Monday the 23.^{d} day of September in the Year of our Lord 1765, and in the 15th Year of the Dominion of the Right Honourable Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c.[a]

L. H. J.
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1765
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His Excellency Horatio Sharpe Esquire being Governor the following Delegates Appeared in the Lower [House] of Assembly

For S:^{t} Marys County

George Plater Esq:^{r}
Edmund Key Esq:^{r}
Daniel Wolstenholme Esq:^{r}
M:^{r} Henry Greenfield Sothoron

For Kent County

M:^{r} Thomas Ringgold
Col:^{o} Richard Lloyd
M:^{r} Robert Buchanan

For Ann:^{ll} County

M:^{r} Brice Thomas Beale Worthington
M:^{r} Henry Hall
Thomas Johnson Esq:^{r}

For Calvert County

M:^{r} Benjamin Mackall
M:^{r} Edward Ganntt
M:^{r} Charles Grahame
M:^{r} Young Parran

For Prince Georges County

William Murdock Esq:^{r}
M.^{r} Josiah Beale
M:^{r} Mordecai Jacob
M:^{r} Robert Tyler

For Charles County

M:^{r}John Hanson Jun:^{r}
M.^{r} George Dent
M.^{r} William Smallwood

For Talbot County

M.^{r} Pollard Edmunson
M:^{r} John Goldsborough
Henry Hollyday Esq:^{r}

For Dorchester County

M.^{r} Daniel Sulivane
M.^{r} Robert Goldsborough 3:^{d}
M:^{r} Philemon Lecompte

For Baltimore County

M:^{r} Thomas Cockey Deye
M.^{r} John Hall
M:^{r} James Heath

For Cæcil County

M.^{r} Michael Earle
M^{r} Henry Baker
M:^{r} William Ward

For Queen Anns County

Robert Lloyd Esq:^{r}
Col:^{o} Edward Tilghman
James Hollyday Esq:^{r}
M:^{r} Thomas Wright

L. H. J.
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Sept. 23

For the City of Annapolis
Walter Dulany Esq:r
Samuel Chase Esq:r

For Worcester County
M:r Peter Chaillé

For Frederick County
M:r Fielder Ganntt

A Sufficient Number of Delegates to Compose a Lower House of Assembly being Convened at the Stadt House M.r Ringgold and M.r John Hanson Delegates for Kent and Charles Countys Attended on his Excellency to Acquaint him therewith

Richard Lee and John Ridout Esq.rs from the Upper House and Doctor Upton Scott Clerk of the Upper House came into the Lower house before whom the aforesaid Delegates took the several Oaths to the Government required by Law Subscribed the Oath of Abjuration, repeated and Signed the Test.

Col:o Hammond and John Ridout Esq:r from the Upper House Acquaint the Members of the Lower House that the Governor requires their Attendance in the Upper House

p. 238 The Members of the Lower House went to the Upper House His Excellency required them to return to the Lower House and Choose a Speaker they returned and Unanimously made Choice of Robert Lloyd Esq:r a Delegate for Queen Anns County to be their Speaker and placed him in the Chair

M:r John Goldsborough and James Hollyday Esq:r were sent to Acquaint his Excellency that this House had made Choice of a Speaker

Col.o Hammond and Richard Lee Esq:rs from the Upper House Acquaint the Members of this House that the Governor requires their Attendance in the Upper House to present their Speaker The Members of the Lower House went to the Upper House and presented (to the Governor) Robert Lloyd Esq.r as their Speaker His Excellency gave his Approbation of their Choice and made the following Speech Viz:t

Gentlemen of the Upper and Lower Houses of Assembly

Having reason to think it would be very Agreeable to you to be Convened as soon as the Unlucky Cause which made me decline meeting you last Spring was removed I have called you together before the day to which the Assembly stood prorogued hoping that my doing so will convince you of my desire to Gratify you and Afford you an Opportunity of promoting the true Interest of your Country

You will I presume Gentlemen during this Session not only have the Paper Money that hath been paid into the Loan Office burnt

Agreeable to the Act, and the Books Ballanced, but also by paying of the publick Debt bring into Circulation at this time, when the want of it is much felt, the Specie that is at present Locked up in that Office and such Money as having been remitted to England by Virtue of several Acts of Assembly still remains there Unappropriated

L. H. J.
Liber No. 52
Sept. 23

I have not for my part any thing Gentlemen at this time to Ask of you And it would be Unnecessary for me to recommend to you the making such new Laws as your Experience teaches you the Province is in want of, I shall therefore only say that I most Sincerely wish all your Deliberations may tend to advance the Publick Good And that altho' you Compose two Houses Yet since your Interest is the same you may proceed with the Greatest Harmony and as is your Duty be Unanimous in your Endeavours to promote the Welfare of your Country which I also Consider as my own

M:r Speaker with the rest of the Members returned to the Lower House and reassumed the Chair.

The House proceeded to the Choice of a Clerk and Chose M:r Michael Macnemara

Ordered that M.r John Goldsborough and M.r Sulivane do Acquaint his Excellency with the Choice which this House hath made of a Clerk and to desire his Approbation

They return and Acquaint M:r Speaker that they delivered the Message. Ordered that M.r John Goldsborough and M.r Sulivane do go with M:r Macnemara to the Upper House to see him qualified as Clerk of this House, they return and Acquaint M.r Speaker that they saw the Clerk take the several Oaths to the Government required by Law Subscribe the Oath of Abjuration repeat and Sign the Test and take the following Oath Viz:t You Michael Macnemara Do Swear that as Clerk of the Lower House of Assembly you shall true Entries make of all such Matters and things as by the Honourable Speaker for the time being and that House shall be to you Directed the Secrets of the said House you shall not Divulge to the Prejudice of the House or any Member thereof but shall in all things as Clerk to the said House well and truly demean yourself According to the best of your knowledge p. 239

So help you God

The House Appointed M.r Robert Saunders Serjeant at Arms Attending this House and M:r Cornelius Howard Doorkeeper and Ordered that they be qualified in the Usual Manner

M:r Henry Hall Acquaints M.r Speaker That Cap:t Robert Saunders and M:r Cornelius Howard had taken the several Oaths to the Government required by Law Subscribed the Oath of Abjuration repeated and Signed the Test and took the Oath of Office Viz:t

L. H. J. Liber No. 52 Sept. 23 You Robert Saunders as Serjeant at Arms Attending the Lower House of Assembly You Cornelius Howard as Doorkeeper to the Lower House of Assembly Do Swear that you will severally faithfully Diligently and Honestly Discharge your Offices as Serjeant at Arms Attending the Lower House of Assembly and as Door keeper to the Lower House of Assembly And that you shall not Disclose or reveal the Secrets thereof

So help you God

The following Letters Viz:[t]

Sir

The House of Representatives of his Majestys Province of the Massachusetts Bay at the Session of the General Assembly in May last being informed of the late Act of Parliament relating to the Sugar Trade with the foreign Colonies and the resolutions of the House of Commons relating to the Stamp Duties and other Taxes proposed to be laid on the British Colonies were humbly of Opinion that those Measures have a Tendency to deprive the Colonists of some of their most essential Rights as British Subjects and as men particularly the right of Assessing their own Taxes and being free from any Impositions but such as they Consent to by themselves or Representatives

Our Agent Informs us that in a Conference he had with M:r Greenville on these Subjects he was told that the Ministry were desirous of Consulting the ease the quiet and Good will of the Colonies Such Expressions induce us to hope that there is nothing punitive in these Measures and that humble dutifull Remonstrances may yet have their effect. But if while these things are thus publickly handled no Claim is made no Remonstrance is preferred on the part of the Colonies such Silence must be interpreted a tacit cession of their Rights and an humble Acquiescence under all their Burdens

The House have wrote fully upon this Subject to the Agent of this province and directed him to remonstrate against these Measures and to endeavour a Repeal of said Act and if Possible to prevent the Imposition of any further duties and Taxes on the Colonies for p. 240 this purpose they were desirous of the united Assistance of the several Colonies in a Petition against such formidable Attacks on what they Conceive to be the inseparable Rights of British Subjects and that the Agents of the several Colonies might be directed by the Representatives of the people on the Continent of North America to unite in the most Serious Remonstrance against Measures so Destructive of the Liberty the Commerce and property of the Colonists and in their Tendency so pernicious to the real Interest of Great Britain.

The House have done us the Honour to Appoint us a Committee in the Recess of the General Court to Inform the several Houses of Representatives of this Continent of their desires And we do our selves the Honour to Subscribe our selves

L. H. J. Liber No. 52 Sept. 23

Your most humble Servants
James Otis
Thomas Cushing
Oxenbridge Thacher
Thomas Gray
Edward Sheaffe

In the House of Representatives June 13:th 1764.

The Committee Appointed to Consider the Letters from M.r Agent Mauduit reported the Draft of a Letter to him which was read and accepted, and

Ordered That a fair Draught thereof be Transmitted to said Agent together with the State of the Rights of the British Colonies And that he be informed that said State was drawn up by one of the House And to be improved by him as he shall Judge Proper

Ordered that M.r Otis M:r Thacher M:r Cushing Captain Sheaffe and M:r Gray be a Committee in the Recess of the Court to write to the other Governments to Acquaint them with the Instructions this day Voted to be sent to the Agent of this province directing him to use his Endeavours to Obtain a Repeal of the Sugar Act and to Exert himself to prevent a Stamp Act or any other Impositions and Taxes upon this and the other American Provinces And that the said Committee in the Name and behalf of this House desire the several Assemblys on this Continent to Join with them in the same Measures

Att:r R: Cotten Cler Dom Rep

Province of the Massachusetts Bay Boston June 8:th 1765

S:r

The House of Representatives of this Province in the present Session of the General Court have Unanimously Agreed to propose a meeting as soon as may be of Committees from the Houses of Representatives or Burgesses of the several British Colonies on this Continent to Consult together on the present Circumstances of the Colonies And the Difficulties to which they are and must be reduced by the Operation of the Acts of Parliament for levying duties and Taxes on the Colonies and to Consider of a General and United dutiful loyal and humble Representation of their Condition to his Majesty and the Parliament and to implore Relief, The House of Representatives of this Province have also Voted to propose that such meeting be at the City of New York in the Province of New York on the first Tuesday of October next and have Appointed a Committee of three of their Members to attend that Service with

L. H. J. Liber No. 52 Sept. 23 such as the other Houses of Representatives or Burgesses in the several Colonies may think fit to Appoint to meet them and the Committee of the House of Representatives of this Province are Directed to repair to said New York on the first Tuesday of October next Accordingly

If therefore your Honourable House should Agree to this Proposal it would be Acceptable that as early Notice of it as possible might be Transmitted to the Speaker of the House of Representatives of this Province Sam:l White Speaker

To The Honourable the Speaker of
the House of Burgesses in the Province
of Maryland

Were delivered to M.r Speaker by the hands of M.r Jonas Green late Deputy Post Master and M:r Anthony Steuart Deputy Post Master of the City of Annapolis which Letters were read and Ordered to lye on the Table

On Motion made by Col:o Tilghman Resolved that this House will take into Consideration on the morrow Morning the Letters and Papers above mentioned

The House Adjourns till the Morrow Morning at 8 of the Clock

Sept. 24 Tuesday 24:th September 1765

The House met According to Adjournment

p. 242 The Members were Called, and all Appeared as Yesterday the proceedings were read

Col:o Nicholas Hyland a Delegate returned for Cæcil County, John Hammond Esq:r a Delegate returned for Ann Arundel County, and M.r Corbin Lee a Delegate returned for Baltimore County Appeared in the House

Ordered that M.r Worthington M:r John Hall and M.r Ward do go with those Gentlemen to the Upper House to see them qualified they return and Acquaint M.r Speaker that the Gentlemen were qualified in the usual manner by taking the several Oaths to the Government required by Law by Subscribing the Oath of Abjuration repeating and Signing the Test

The Gentlemen took their Seats in the House

On Motion Ordered that M.r Speaker do Issue his Warrant directed to the Deputy Secretary of this Province to make out a New Writ of Election directed to the Mayor Recorder and Aldermen of the City of Annapolis to Elect a Delegate to Serve in the General Assembly of this Province now Sitting in the Room of Walter Dulany Esq.r who since the last Election hath Accepted the Office of Naval Officer of Patuxent and also a Writ of Election directed to the Sherriff of Charles County to Elect a Delegate to serve in the General Assembly of this Province now Sitting in the Room of M.^{r} John Trueman Stoddert deceased

L. H. J. Liber No. 52 Sept. 24

The Order of the Day being read the House took into Consideration the Letters and Papers delivered to M.^{r} Speaker by the Deputy Post Masters M.^{r} Green and M.^{r} Steuart and Resolved Unanimously that three Members of this House be Appointed a Committee to meet the Committees from the Houses of Representatives or Burgesses of the several British Colonys on this Continent at the City of New York on the first Tuesday of October next for the purposes mentioned in the said Letter of the 8:th of June.

Resolved that this House will not at this meeting proceed to any Business other than such as may be dependant upon or relative to the Subject of the said two Letters

Resolved that a Messenger be Dispatched from hence with a Letter from the Speaker to the Committee of the House of Representatives of Massachusetts Bay at New York inclosing a Copy of the said first Resolve. On Motion Ordered that the petition of Rights and Bill of Rights be Read which was accordingly done.

The House Adjourns till 2 of the Clock

Post Meridiem

p. 243

The House met According to Adjournment

Cap.^{t} Joseph Chapline a Delegate returned to serve in this Assembly for Frederick County M.^{r} Woolman Gibson a Delegate returned for Talbot County M.^{r} John and M.^{r} William Adams Delegates returned for Somerset County Appeared in the House

Ordered that M.^{r} Edmunson M.^{r} Chaille and M:^{r} Fielder Ganntt do go with those Gentlemen to the Upper House to see them qualified, they return and Acquaint M.^{r} Speaker that the Gentlemen were qualified in the usual Manner by taking the several Oaths to the Government required by Law by Subscribing the Oath of Abjuration repeating and Signing the Test

The Gentlemen took their Seats in the House

On Motion Resolved That Col:^{o} Tilghman William Murdock Esq:^{r} and Thomas Ringgold Esq:^{r} be a Committee to meet the Committees from the Houses of Representatives or Burgesses of the several British Colonies on this Continent at the City of New York on the first Tuesday of October next for the purposes mentioned in the said Letter of the 8:th of June

On Motion Ordered that James Hollyday Esq:^{r} Thomas Johnson Esq:^{r} Edmund Key Esq:^{r} M.^{r} J: Goldsborough John Hammond Esq:^{r} Daniel Wolstenholme Esq:^{r} and M:^{r} John Hanson Jun:^{r} be a

L. H. J. Liber No. 52 Sept. 24 Committee from this House to Draw up Instructions for the Gentlemen Appointed a Committee to Join the several Committees from the several Colonys in America at New York

On reading the 2.d time his Excellency the Governors Speech at the Opening this Session Ordered that M.r Ringgold Col:o Tilghman William Murdock Esq:r Henry Hollyday Esq:r and M.r Worthington be a Committee to prepare an Address to the Governor in Answer thereto

On Motion M.r John Duckett and M:r Turbutt Wright are Appointed Clerks to Attend on the several Committees of this House. Ordered that they be qualified in the Usual manner

M.r Henry Hall Acquaints M.r Speaker that M.r Duckett and M.r Wright had taken the several Oaths to the Government required by Law Subscribed the Oath of Abjuration repeating and Signing the Test and the following Oath of Office Viz.t You John Duckett and You Turbutt Wright Do Severally Swear that you will true Entries make of all such Matters and things as shall be to you Directed by any Committee of the Lower House of Assembly for whom you shall Act as Clerk and that you will not Divulge the Secrets of the said House of Assembly or of any Committee thereof but will in p. 274 all things well and truly demean yourself According to the best of your knowledge

So help you God

The House Adjourns till the Morrow morning at 9 of the Clock

Sept. 25

Wednesday 25.th Sept:r 1765

The House met According to Adjournment &c.[a]

Samuel Wilson Esq.r and M.r William Winder Delegates returned for Somerset County and Col.o Henry Travers a Delegate returned for Dorchester County Appeared in the House Ordered that M.r Sulivane and M.r William Adams do go with those Gentlemen to the Upper House to see them qualified they return and Acquaint M.r Speaker that the Gentlemen were qualified in the usual manner by taking the several Oaths to the Government required by Law by Subscribing the Oath of Abjuration by repeating and Signing the Test

The Gentlemen took their Seats in the House

James Hollyday Esq.r from the Committee Appointed to Draw up Instruction to the Committee who are to Attend at New York and report the same to the House delivers to M.r Speaker the following Report Viz:t

By the Committee Appointed by the Honourable House to Draw up Instructions for the Gentlemen Appointed a Committee to join the several Committees from the several Colonies in America at New York

Your Committee are of Opinion that the Gentlemen Appointed a Committee to join the several Committees from the several Colonies in America be Instructed to repair immediately to the City of New York in the Province of New York and there join with the Committees from the House of Representatives of the other Colonies in a General and United dutiful Loyal and humble Representation to his Majesty and the British Parliament of the Circumstances and Condition of the British Colonies and Plantations and to pray relief from the Burthens and Restraints lately laid on their Trade and Commerce and especially from the Taxes imposed by an Act of the last Session of Parliament Granting and Applying Certain Stamp Duties and other Duties in the British Colonies and Plantations in America Whereby they are Deprived in some Instances of that invaluable privilege of Englishmen and British Subjects Tryals by Juries that they take care that such Representation shall humbly and decently but expressly contain an Assertion of the Rights of the Colonists to be Exempt from all and every Taxations and Impositions upon their Persons and propertys to which they do not Consent in a legislative way either by themselves or their Representatives by them freely Chosen and Appointed all which is humbly Submitted to the Honourable House L. H. J. Liber No. 52 Sept. 25 p. 245

Signed ℘ Order John Duckett Jun:r Clk Com

The House Adjourns till 2 of the Clock

Post Meridiem

The House met &ca

On reading the first and 2.d time the Report of the Committee Appointed to Draw Instructions for the Committee Appointed to Attend at New York the House Concurs therewith and Ordered that those Instructions be fairly Ingrossed and brought in to be Signed by the Honourable Speaker

This House taking into Consideration the Many Grievances the Good People of this Province will Suffer if an Act passed in the last Session of Parliament of Great Britain for imposing Stamp Duties upon the Inhabitants of the several Colonies of America be Carried into Execution

Resolved that a Committee be Appointed to Draw up Resolves declarative of the Constitutional Rights and Privileges of the Freemen of this Province and that the same be brought in for the Approbation of the House

Ordered that M.r Murdock Col.o Tilghman M.r Ringgold M.r Chase M.r Wilson M.r Wolstenholme M.r J: Goldsborough M.r Hammond M.r Henry Hollyday M.r Graham M.r Key and M.r Worthington be a Committee for that purpose

L. H. J. Liber No. 52 Sept. 25 On Motion Resolved that the Sum of five hundred pounds Current Money be paid by the Treasurer of the Western Shore into the hands of Edward Tilghman William Murdock and Thomas Ringgold Esq:rs to be applied by them in and towards the Expences Attendant on the Execution of their Commission to new York And if they shall expend more Money in that Service this House will take Care that they be repaid in the first Application of Publick Money hereafter, And if the Whole shall not be expended what may remain to be returned into the Treasury.

Col:o Thomas Cresap a Delegate returned for ffrederick County Appeared in the House

Ordered that M.r Fielder Ganntt and Captain Chapline do go with that Gentleman to the Upper House and see him qualified they return and Acquaint M:r Speaker they saw that Gentleman qualified in the usual Manner by taking the several Oaths to the Government required by Law by Subscribing the Oath of Abjuration by repeating and Signing the Test

p. 246 This Gentleman took his Seat in the House

The following Message Viz:t

By the Lower House of Assembly Sept:r 25:th 1765

May it please your Honours.

This House hath resolved that the Sum of five hundred pounds Current Money be paid by the Treasurer of the Western Shore into the hands of William Murdock Edward Tilghman and Thomas Ringgold Esq:rs (a Committee Appointed by this House to meet the Committees from the Houses of Representatives or Burgesses of the several British Colonies on this Continent at the City of New York on the first Tuesday of October next to Consult together on the present Circumstances of the Colonies and the Difficulties to which they are and must be reduced by the Operation of the late Acts of Parliament for levying duties and Taxes on the Colonies and to Consider of a General and united dutiful loyal and humble Representation of their Condition to his Majesty and the Parliament and to Implore Relief) to be Applied by them in and towards the Expences Attendant thereon and if they shall expend more Money in that Service that they be repaid in the first Application of Publick Money hereafter and if the Whole shall not be expended what may remain to be returned into the hands of the said Treasurer and this House proposes that the said Sum of Money be so paid and Applied by way of Ordinance in which we request your Honours Concurrence

Signed ꝑ Order M: Macnemara Clk Lower House

was sent to the Upper House by M.r J. Goldsborough and M:r Hanson

The House Adjourns till the Morrow morning at 9 of the Clock

Thursday 26:th September 1765

L. H. J.
Liber No. 52
Sept. 26

The House met According to Adjournment &c^{a}

Col:^{o} Hooper from the Upper House delivers to M.^{r} Speaker the following Message Viz:^{t}

By the Upper House of Assembly September 25:th 1765

Gentlemen

Not having at present any regular Notice of the foundation of the resolve referred to in your Message of this Day and it being Necessary that we should be Apprized of it before we can come to a Determination on the Subject of that Message We request that you will be pleased to Communicate it to this House

Signed by Order U: Scott Clk Upper House

M.^{r} William Allein and M.^{r} Parker Selby Delegates returned for Worcester County Appeared in the House p. 247

Ordered that M.^{r} Chaillé and M.^{r} Wilson do go with those Gentlemen to the Upper House to see them qualified they return and Acquaint M.^{r} Speaker the Gentlemen were qualified in the usual manner by taking the several Oaths to the Government required by Law by Subscribing the Oath of Abjuration repeating and Signing the Test

The Gentlemen took their Seats in the House

The following Message Viz.^{t}

By the Lower House of Assembly September 26:th 1765

May it please your Honours

In Compliance with the request contained in your Message received this day We send you herewith Copies of Letters received by our Speaker from the Speaker of the House of Representatives of the Province of Massachusetts Bay and of a Committee of the said House which were the foundation of the Resolve referred to in our Message

Signed ꝑ Order M: Macnemara Clk Lower House

Was sent to the Upper House by M.^{r} Hanson and M.^{r} Plater

M.^{r} James Smith a Delegate returned for Frederick County Appeared in the House Ordered that Cap:^{t} Chapline and M.^{r} Fielder Ganntt, Do go with that Gentleman to the Upper House to see him qualified they return and Acquaint M:^{r} Speaker the Gentleman was qualified in the usual manner by taking the several Oaths to the Government required by Law by Subscribing the Oath of Abjuration by repeating and Signing the Test

The Gentleman took his Seat in the House

M.^{r} John Goldsborough from the Committee Appointed delivers to M.^{r} Speaker the following Ingrossed Instructions Viz.^{t}

L. H. J. Liber No. 52 Sept. 26 Instruction from the Honourable the Lower House of Assembly of the Province of Maryland to William Murdock Edward Tilghman and Thomas Ringgold Esq.rs a Committee Appointed to join the several Committees from the several Colonies in America at New York.

Gentlemen you are to repair immediately to the City of New York in the Province of New York and there join with the Committees from the Houses of Representatives of the other Colonies in a General and united dutiful loyal and humble Representation to his Majesty and the British Parliament of the Circumstances and Condition of the British Colonies and Plantations and to pray relief p. 248 from the Burthens and restraints lately laid on their Trade and Commerce and especially from the Taxes imposed by an Act of the last Session of Parliament Granting and Applying Certain Stamp Duties and other Duties in the British Colonies and Plantations in America whereby they are deprived in some Instances of that invaluable privilege of Englishmen and British Subjects Tryals by Juries that you take care that such Representation shall humbly and decently but expressly contain an Assertion of the Rights of the Colonists to be exempt from all and every Taxations and Impositions upon their Persons and Properties to which they do not consent in a Legislative way either by themselves or their Representatives by them freely Chosen and Appointed

Which were read Approved and Signed by the Honourable Speaker

John Ridout Esq.r from the Upper House Delivers to M.r Speaker the following Message Vizt

By the Upper House of Assembly Sept.r 26:th 1765

Gentlemen

We Approve of the Measure in Sending Commissioners from this Province to meet such as have been Appointed in the other Colonies in Order to Consult together on the present Circumstances of the Colonies and the Difficulties to which they are and must be reduced by the Operation of the late Acts of Parliament for laying duties and Taxes on the Colonies [*The Message beginning thus is printed in full in the Upper House Journal p. 10*]

Signed by Order U: Scott Clk Upper House

p. 249 On Motion the Question was put that the following Resolve entred on the Journals Vizt Resolved that this House will not at this Meeting proceed to any other Business other than such as may be dependant on or relative to the Subject Matter of the said two Letters be Expunged

Resolved in the Negative

L. H. J.
Liber No. 52
Sept. 26

for the Affirmative

Plater
Key
Smallwood
Wilson
W. Adams

J. Adams
Winder
J. Goldsborough
Sulivane
Travers

Cresap
Chapline
F. Ganntt
Smith

[14]

For the Negative

Wolstenholme
Sothoron
Ringgold
Lloyd
Buchanan
Worthington
Hammond
H: Hall
Johnson
Mackall
E Ganntt
Grahame
Parran

Hanson
Dent
Edmunson
Gibson
H: Hollyday
R: Goldsborough
Lecompte
Cockey Deye
Lee
J: Hall
Earle
Baker
Hyland

Murdock
Beale
Jacobs
Tyler
Chase
Tilghman
J. Hollyday
Wright
Allein
Chaillé
Selby
Ward

[38]

The House Adjourned till 2 of the Clock

Post Meridiem

The House met &c.[a]

On Motion that a Committee be Appointed to report a State of the Annual Amounts of the Exports fees of Officers amount of the Publick Debt and the Revenue of the Lord Proprietary &c.[a] Ordered that M.^{r} Sothoron M.^{r} Hanson M.^{r} Bealle M.^{r} H: Hall Col.^{o} Lloyd M.^{r} E. Ganntt M.^{r} Edmunson M.^{r} J Adams M.^{r} J. Hall M:^{r} Earle M.^{r} Wright Col.^{o} Cresap M.^{r} Chase M.^{r} Sulivane and M.^{r} Allien be a Committee for that Purpose and that they make Report thereof to the house and deliver a Copy to the Committee Appointed to go to New York of such Estimates and Accounts as they have been able (in the Short time they had) to make

the following Ordinance Viz:[t]

An Ordinance for Applying the Sum of five hundred Pounds Current Money to the purposes therein mentioned

p. 250

It is Ordained by his Excellency and the Upper and Lower Houses of Assembly that the Sum of five hundred pounds Current Money be paid by the Treasurer of the Western Shore into the hands of William Murdock Edward Tilghman and Thomas Ringgold Esq:^{rs} a Committee Appointed by the Lower House of Assembly to meet the Committees from the Houses of Representatives or Burgesses

L. H. J. Liber No. 52 Sept. 26 of the several British Colonies on this Continent at the City of New York on the first Tuesday of October next to Consult together on the present Circumstances of the Colonies and the Difficulties to which they are and must be reduced by the Operation of the late Acts of Parliament for levying Duties and Taxes on the Colonies and to consider of a General and united dutifull and humble Representation of their Condition to his Majesty and the Parliament and to Implore relief to be by them Applied in and towards the Expences Attendant thereon and that they lay an Account of their Disbursements before the General Assembly of this Province as soon as conveniently may be And that the Ballance if any be by them returned into the hands of the Treasurer and if any Expence should be incurred in the Execution of the above Measure exceeding the five hundred pounds That upon its propriety Appearing a future Provision shall be made in the first Application of Public Money

Sept:^r 26:^th 1765

Read and Assented to the Lower House of Assembly

Signed ꝑ Order Rob:^t Lloyd Speaker

Was sent to the Upper House by M.^r Dent and M:^r Mackall

Daniel Dulany Esq:^r from the Upper House Delivers to M.^r Speaker the following Message Viz.^t

By the Upper House of Assembly Sept:^r 26:^th 1765.

Gentlemen

We Agree to the Ordinance proposed if made Agreeable to our last Message by inserting the following Words Viz:^t "thereof together with the proceedings they shall Join in with the Committees of the other Colonies" between the Word Disbursement and the Word before in the 8.^th Line and by leaving out what follows after Treasurer in the 9.^th Line

Signed by Order U: Scott Clk Upper House

And the Ordinance sent to the Upper House by M.^r Dent and M.^r Mackall

p. 251 The House Adjourns till the morrow Morning at 8. of the Clock

Sept. 27

Friday 27.^th Sept:^r 1765

The House met According to Adjournment &c.^a

On Motion Ordered that Thomas Johnson and James Hollyday Esq:^rs be Added to the Committee Appointed to Draw up Resolves Declarative of the Constitutional Rights and privileges of the freemen of this Province

The House Adjourns till 2 of the clock

Post Meridiem.

L. H. J.
Liber No. 52
Sept. 27

The house met According to Adjournment

Richard Lee Esq^{r} from the Upper House Delivers to M.^{r} Speaker the following Message Viz:^{t}

By the Upper House of Assembly Sept:^{r} 27:th 1765

Gentlemen

Understanding that the first Amendment proposed by this House of the Ordinance for paying into the hands of a Committee of your House the Sum of five hundred pounds Current Money by the Treasurer of the Western Shore is an Obstruction to the passing of that Ordinance and being desirous of Cultivating particularly on this Occasion a good Correspondence between the two Houses We have Agreed to wave that Amendment And to pass the Ordinance without its Insertion shou'd you think fit to return it to us for that purpose But what follows after the Word Treasurer in the 9:th Line of the Ordinance we expect will be left out According to our former Proposition for the reason before given

Signed by Order U: Scott Clk Upper House

On reading the aforesaid Message this House Agrees to the Alteration proposed to be made in the Ordinance and the same was made Accordingly Ordered that it be Ingrossed

M.^{r} Hanson brings in and Delivers to M.^{r} Speaker the following Ingrossed Ordinance Viz.^{t}

An Ordinance for Applying the Sum of five hundred pounds Current Money to the Purposes therein mentioned

It is Ordained by his Excellency and the Upper and Lower Houses of Assembly that the Sum of five hundred pounds Current Money be paid by the Treasurer of the Western Shore into the hands of William Murdock Edward Tilghman and Thomas Ringgold Esq:^{rs} a Committee Appointed by the Lower House of Assembly to meet the Committees from the Houses of Representatives or Burgesses of the several British Colonies on this Continent at the City of New York on the first Tuesday of October next to consult together on the present Circumstances of the Colonies and the Difficulties to which they are and must be reduced by the Operation of the late Acts of Parliament for levying Duties and Taxes on the Colonies and to Consider of a General and United dutifull loyal and humble Representation of their Condition to his Majesty and the Parliament and to implore relief to be by them Applied in and towards the Expences Attendant thereon and that they lay an Account of their Disbursements before the General Assembly of this Province as soon as Conveniently may be and that the Ballance if any be by them returned into the hands of the Treasurer p. 252

L. H. J. Liber No. 52 Sept. 27 Which was read and Assented to and Signed by Order of the House by the Honourable Speaker and was sent to the Upper House by M:^r J. Goldsborough and M.^r Mackall

M.^r Murdock from the Committee Appointed brings in and delivers to M.^r Speaker the following Report of Resolves drawn up by that Committee for the Approbation of the House Viz.^t

By the Committee Appointed to Draw up resolves declarative of the Constitutional Rights of the Freemen of this Province

Your Committee humbly Submit the following to the Consideration of the Honourable House 1:^st Resolved Unanimously that the first Adventurers and Setlers of this Province of Maryland brought with them and transmitted to their Posterity and all other his Majestys Subjects since Inhabiting in this province all the Liberties privileges Franchises and Immunities that any time have been held enjoyed and possessed by the People of Great Britain

2.^d Resolved Unanimously that it was Granted by Magna Charta and other the Good Laws and Statutes of England and Confirmed by the Petition and Bill of Rights that the Subject should not be Compelled to Contribute to any Tax Tallage Aid or other like Charge not set by common Consent of Parliament

3:^d Resolved Unanimously that by a Royal Charter Granted by his Majesty King Charles the first in the eighth Year of his Reign And in the Year of our Lord One thousand Six hundred and thirty two to Cæcilius then Lord Baltimore it was for the Encouragement for People to Transport themselves and families in to this Province amongst other things Covenanted and Granted by his said Majesty for himself his heirs and Successors as followeth And we will also and for our more Special Grace for us our heirs and Successors we do Strictly enjoin Constitute Ordain and Command that the said Province shall be of our Allegiance and that all and Singular the p. 253 Subjects and liege People of us our heirs and Successors transported or to be Transported into the said Province and the Children of them and of such as shall descend from them there already born or hereafter to be born be and shall be Denizens and lieges of us our heirs and Successors of our Kingdoms of England and Ireland and be in all things held treated reputed and esteemed as the liege faithfull People of us our heirs and Successors born within our Kingdom of England and likewise any Lands Tenements Revenues Services and other Hereditaments whatsoever within our Kingdom of England and other our Dominions may inherit or otherwise purchase receive take have hold buy and possess and them may Occupy and enjoy give Sell Alien and bequeath as likewise all Libertys Franchises and privileges of this our Kingdom of England freely quietly and peacably have and possess Occupy and enjoy as our liege people born or to be born within our said Kingdom of England without the Let Molestation Vexation trouble or Grievance of us our heirs and Successors Any

Statute Act Ordinance or provision to the Contrary thereof Notwithstanding

L. H. J.
Liber No. 52
Sept. 27

And further our pleasure is and by these presents for us our heirs and Successors We do Covenant and Grant to and with the said now Lord Baltimore his heirs and Assigns that we our heirs and Successors shall at no time hereafter Set or make or cause to be Set any Imposition Custom or other Taxation Rate or Contribution whatsoever in or upon the Dwellers and Inhabitants of the aforesaid Province for their Lands Tenements Goods or Chattels within the said Province or in or upon any Goods or Merchandizes within the said Province to be laden or unladen within any the Ports or Harbours of the said Province And our Pleasure is and for us our heirs and Successors We Charge and Command that this our Declaration shall be hence forward from time to time received and allowed in all our Courts and before all the Judges of us our heirs and Successors for a Sufficient and lawfull Discharge Payment and Acquittance Commanding all and Singular our Officers and Ministers of us our heirs and Successors and enjoyning them upon pain of our high Displeasure that they do not presume at any time to Attempt any thing to the Contrary of the Premisses or that they do in any Sort withstand the same but that they be at all times Aiding and Assisting as is fitting unto the said now Lord Baltimore and his heirs and to the Inhabitants and Merchants of Maryland aforesaid their Servants Ministers factors and Assigns in the full use and Fruition of the Benefit of this our Charter p. 254

4:th Resolved that it is the Unanimous Opinion of this House that the said Charter is Declaratory of the Constitutional Rights and Privileges of the Freemen of this Province

5:th Resolved Unanimously That Tryals by Juries is the Grand Bulwark of Liberty the undoubted Birthright of every Englishman and Consequently of every British Subject in America and that the Erecting other Jurisdictions for the Tryal of Matters of fact is unconstitutional and renders the Subject insecure in his Liberty and Property

6:th Resolved That it is the Unanimous Opinion of this House that it cannot with any truth or Propriety be said that the Freemen of this Province of Maryland are Represented in the British Parliament

7:th Resolved Unanimously that his Majestys liege People of this Ancient Province have always enjoyed the Right of being Governed by Laws to which they themselves have consented in the Articles of Taxes and internal Polity and that the same hath never been forfeited or any other way Yielded up but hath been Constantly recognized by the King and People of Great Britain

8:th Resolved that it is the Unanimous Opinion of this House that the Representatives of the Freemen of this Province in their Legis-

L. H. J. Liber No. 52 Sept. 27 lative Capacity together with the other part of the Legislature have the Sole Right to lay Taxes and Impositions on the Inhabitants of this Province or their Property and effects And that the laying imposing levying or Collecting any Tax on or from the Inhabitants of Maryland under Colour of any other Authority is Unconstitutional and a Direct Violation of the Rights of the Freemen of this Province

Which was Read the first time and Ordered to lye on the Table

Col:o Henry from the Upper House delivers to M.r Speaker the Ordinance Subscribed this 27:th September 1765

Read and Assented to by the Upper House of Assembly

Signed by Order Benj:a Tasker Presid:t

The House Adjourns till the Morrow Morning at 8 of the Clock

Sept. 28 p. 255

Saturday 28:th September 1765

The House met According to Adjournment

The Report of the Resolves brought in Yesterday afternoon by William Murdock Esq:r from the Committee Appointed was read the 2.d and 3.d time And the House Unanimously concurs therewith And Ordered that they be Ingrossed

On Motion M:r Young Parran M:r Smallwood M.r Lecompte and M.r Winder have leave of Absence

The House Adjourns till two of the Clock

Post Meridiem

the House met &c:a

M.r Murdock bring in and Delivers to M:r Speaker the following Ingrossed Resolves Viz:t

1:st Resolved Unanimously that the first Adventurers and Setlers of this Province of Maryland brought [*These resolves are printed in full in yesterday's proceedings, Sept. 27.th pp. 30-32*]

p. 257 On Motion Ordered that M:r James Hollyday M.r Hammond and M.r Johnson do prepare and bring in a Bill to continue all such Acts of Assembly of this Province as wou'd expire with this Session of Assembly

James Hollyday Esq:r brings in and delivers to M:r Speaker a Bill Entituled and Act to Continue all such Acts of Assembly of this Province as would Expire with this Session of Assembly which was read the first and Second time by an especial Order and will pass and was sent to the Upper House by M:r Sulivane and M:r Mackall

The following Message Viz:t L. H. J. Liber No. 52 Sept. 28

By the Lower House of Assembly September 28:th 1765

May it Please you Honours

It not having been usual for Ordinances to be returned from your House to ours after Assented to by you we herewith return the Ordinance you sent us that the proceedings thereon may be as usual

Signed ℘ Order M: Macnemara Clk Lower House

Was sent to the upper House with the Ordinance by M.r Baker and M.r Gibson

M:r Ringgold from the Committee Appointed brings in and delivers to M.r Speaker an Address to the Governor which was Approved and Ordered to be Ingrossed p. 258

M:r Murdock bring in and delivers to M.r Speaker the following Ingrossed Address Viz:t

To His Excellency Horatio Sharpe Esq:r Governor and Commander in Chief in and over the Province of Maryland

The Humble Address of the House of Delegates

May it please your Excellency

We His Majestys most dutiful and Loyal Subjects the Delegates of the Freemen of the Province of Maryland in Assembly Convened return your Excellency our thanks for your Speech at the Opening of this Session and beg leave to Assure you that the Opportunity you Excellency has now afforded us of promoting the true Interest of our Country is Extremely Agreeable to us

As we have thought it our indispensible Duty to our Constituents at this time to appoint a Committee of some of our Members to join Committees from the Houses of Representatives of other Colonies on the Continent who are to meet at the City of New York on the first Tuesday in October next in Order to Join in a General and United dutifull loyal and Humble Representation to his Majesty and the British Parliament of the Circumstances and Condition of the British Colonies and Plantations and to Implore relief against some acts of Parliament we are informed are lately passed in England Whereby it is Apprehended the Libertys of the Colonies will be Greatly Abridged which with the matters Necessarily relative to and Dependant upon it wherein we have met with some very unexpected delays has so wholly Engrossed our Attention that we have not yet even Settled any of our Ordinary Rules for proceeding. We cannot doubt but we shall stand Excused for being thus late in Answering your Excellencys Speech and having now very nearly Compleated that Affair And as the next month will be Chiefly taken up in Adjourn'd County Courts by which means several of our other Members must be taken from the Business of the Houses, or Great Numbers Suffer much by their Suits Continuing Open at this time

L. H. J. Liber No. 52 Sept. 28 We hope your Excellency will as soon as the present Important Business is finished give us a Short Recess of a few Weeks that those inconveniencies may be removed when we shall be very glad to have an Opportunity of Proceeding to the Dispatch of the Interesting Matters your Excellency has been pleased to recommend to us and to Concur with the other Branches of the Legislature in every Measure tending to Promote the General Welfare of our Country which we are much pleased to be Assured by your Excellency you also Consider as your own

p. 259 Which was Read and Assented to and Signed by Order of the House by the Honourable Speaker

Ordered that M:r Edmunson and M:r Wolstenholme do Acquaint his Excellency that this House hath prepared an Address to be presented to him and desires to know when and where he will please to receive it they return and Acquaint M.r Speaker that the Governor Signified he would be ready to receive the Address immediately in the Conference Chamber

Ordered that M:r Ringgold with five more do present the Address

The Governor communicated to M.r Speaker the following Message Viz:t

Gentlemen of the Lower House of Assembly

That the Members of your House who have undertaken to go to New York on the Business mentioned in the Ordinance Just now Presented to me for my Assent and concurrence, may be at Liberty to set off as soon as they please I shall immediately Sign it in Confidence that those Gentlemens proceedings when upon their return they shall be communicated to me and the Publick will merit our approbation and appear to have been well calculated to Obtain from the Legislature of Great Britain the desired relief

the 28:th Sept:r 1765 Hor:o Sharpe

Richard Lee Esq:r from the upper House delivers to M:r Speaker the Bill Entituled an Act to continue all such Acts of Assembly of this Province as would expire with this Session of Assembly Indorsed 28:th Sept:r 1765. By the upper House of Assembly Read the first time and Ordered to lye on the Table (and thus) Sept:r 28:th 1765 By the upper House of Assembly Read the Second time by an especial Order and will pass

Signed by Order U: Scott Clk upper House

Which Bill was read here and passed for Ingrossing

An Ingrossed Bill Entituled an Act to Continue all such Acts of Assembly of this Province as would expire with this Session of Assembly, Was read and Assented to and sent to the Upper House with the Paper Bill thereof by William Murdock Esq:r and J. Hollyday Esq:r

The Governor communicated to M:r Speaker the following Message Viz:t L. H. J. Liber No. 52 Sept. 28

Gentlemen of the Lower House of Assembly

As I perceive by your Address which hath been Just presented to me, that you are Desirous to have a Short Recess of a few Weeks, I shall comply with your request but it being Probable that the Stamp'd Paper Destined for this Province in Consequence of the p. 260 Act of Parliament that was made last Session by the Legislature of Great Britain will Arrive here before I shall have an Opportunity of Advising with you again And that the Master of the Vessel who may have Charge thereof will desire me to give Orders for its being Landed and lodged in a place of Security especially as the Person appointed to Distribute the Stamps here has I Understand left the Province I should be glad to know you wou'd Advise me to Act on Such Occasion Hor:o Sharpe

[Sept 28 1765]

Which was read and Ordered to lye on the Table.

On Reading the Second time his Excellency's last Message Ordered that M.r J: Hollyday M.r Hammond Col:o Tilghman M.r Johnson M:r Murdock M.r Wolstenholme M:r Ringgold M.r Chase M:r H: Hollyday M.r Allien M:r Wilson and M.r J: Goldsborough be a Committee to draw up and prepare an Address to his Excellency in Answer to his last Message and to bring in the same

Col:o Lloyd from the Upper House delivers to M:r Speaker the paper Bill Entituled an Act to continue all such Acts of Assembly of this Province as would Expire with this Session of Assembly Indorsed By the Upper House of Assembly 28:th Sept:r 1765 The Engrossed Bill of which this is the Original was read and Assented to

Signed ℘ Order U: Scott Clk Upper House

James Hollyday Esq:r delivers to M.r Speaker an Address to the Governor which was read Approved and Ordered to be Ingrossed

Ordered that the Clerk of this House do make out a copy of the Resolves and deliver them to M:r Jonas Green printer in Order that the same may be published by him in the next Maryland Gazette

James Hollyday Esq:r delivers to M.r Speaker the following Ingrossed Address Viz:t

To His Excellency Horatio Sharpe Esq:r Governor and Commander
in Chief in and over the Province of Maryland
The Humble Address of the House of Delegates

May it Please your Excellency

In Answer to your Message Just now received relative to the Stamp'd Paper we should think ourselves extremely happy were we in Circumstances to Advise your Excellency on so new a Subject, But

L. H. J. Liber No. 52 Sept. 28 it being a matter of Importance and such as we do not think ourselves at Liberty to Advise in without the Instructions of our Constituents which we cannot now Obtain we hope your Excellency will think us excusable for declineing to offer you any Advise upon the Occasion

p. 261 We return your Excellency Thanks for your promise of a Short Recess at this time agreeable to our request

Was Read and Assented to and Signed by Order of the House by the Honourable Speaker

Ordered that M.r Sullivane and M.r Hanson do Acquaint the Governor that this House hath prepared an Address to be presented to him and desires to know when and where he will please to receive it they return and Acquaint M.r Speaker that the Governor Signified he would be ready to receive the Address immediately in the Conference Chamber

Ordered that M:r Sullivane with three more to Present the Address

Ordered that M.r J: Goldsborough and M:r Dent do Acquaint his Excellency that no Publick Business lays before this House to Transact

Samuel Chamberlayne Esq:r and Col:o Lloyd from the Upper House Acquaint M:r Speaker that the Governor requires the Attendance of the Members of the Lower House immediately in the Upper House

M.r Speaker left the Chair and with the Members of the Lower House went to the upper House and presented to his Excellency An Ingrossed Bill Entituled an Act to continue all such Acts of Assembly of this Province as would expire with this Session of Assembly

Which the Governor passed into a Law in the usual manner and made the following Speech Viz:t

Gentlemen of the Upper and Lower Houses of Assembly

I have thought fit with the Advice of his Lordships Council of State to Prorogue this Assembly to Thursday the 31:st day of October next. You are therefore to take Notice that you are prorogued to that day Accordingly

So endeth this Session of Assembly this 28:th day of September in the Year of our Lord One thousand Seven hundred and Sixty five

Test. MMacnemara Cl. lo. ho.

ACT OF THE ASSEMBLY PASSED IN SEPTEMBER 1765

Liber H. S.
No. 1
1765
p. 531

At a Session of Assembly begun and held at the City of Annapolis on Monday the twenty third Day of September in the fifteenth Year of the Dominion of the Right Honble Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore and so forth Anno Domini 1765 and ending the twenty eighth Day of the same Month following.

The following Law was enacted and assented to by his Excellency Horatio Sharpe Esquire Governor

[All laws which would have expired with the session, continued]

An Act to continue all such Acts of Assembly of this province as would expire with this session of Assembly Be it enacted by the right honble the Lord proprietary by and with the advice and Consent of his Lordships Governor and the upper and lower Houses of Assembly and the Authority of the Same that all and every Acts and Act of Assembly of this province now in force and which would expire with this session of Assembly if the same were not provided for shall be and are hereby continued in full force untill the end of the next session of Assembly and no longer

28.th September 1765
Read and Assented to By the Lower House of Assembly
Signed ꝑ Order
MMacnemara Cl Lo Ho.

28.th September 1765,
on the behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

The great Seal in wax app.t

28.th Sept.r 1765
Read and Assented to by the Upper House of Assembly
Signed by Order
UScott Cl. Up. Ho.

I do hereby Certify that Reverdy Ghiselin Clerk of the Provincial Court and Secretary's Office of the Province of Maryland this Day personally appeared before Me the Subscriber One of the Right Honourable the Lord Proprietary of the Province of Maryland aforesaid his Council of State and made Oath on the Holy Evangels of Almighty God that he carefully examined the above Law with the Original Act that passed the Great Seal.

Sworn to this 6th Day of May Anno Dom. 1766

Henry Hooper

SEAL

The Seal of the Provincial Court is hereto affixed on Behalf of Daniel Dulany Esquire Deputy Secretary of Maryland

ꝑ Reverdy Ghiselin Cl Pro Cur & Secys Office

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY OF MARYLAND

At a Session Held at Annapolis, November 1–December 20, 1765
Being the Second Session of the Assembly Elected in
November–December, 1764.

FREDERICK CALVERT, LORD BALTIMORE,
Lord Proprietary.

HORATIO SHARPE,
Governor.

PROCEEDINGS

OF THE

UPPER HOUSE OF ASSEMBLY

U. H. J.
Liber No. 36
1765
Nov. 1
p. 212

At a Session of Assembly Begun and held at the City of Annapolis on Friday the 1st Day of November in the Fifteenth Year of his Lordships Dominion Anno Domini 1765.

Present

His Excellency Hor° Sharpe Esqs Governor

The honble Benjamin Tasker, Benedict Calvert, Daniel Dulany, John Ridout, Col: Henry Hooper Esquires

Mess.rs J Goldsborough and Richard Loyd acquaint His Excellency that there are a sufficient Number of Members met to make a House and wait his Excellencys Commands.

Benedict Calvert and Daniel Dulany Esquires, are sent to acquaint the Lower House, that his Excellency requires their Attendance in the Upper House, immediately.

The Lower House attend, and his Excellency desires them to proceed to the Business recommended to them at their last Meeting.

On Motion made, it is ordered by this House, that M.r Ross, late Clerk of the Council, do lay before this House, an Account of the Services done by Him in his said Office since the passing of the last Journal.

Mess.rs Hanson and Loyd attend with M.r William Hynson a Member elected for Kent County, Captain Fran.s Ware for Charles County, and Walter Dulany Esq.r for the City of Annapolis, to see them qualified, who take the Oaths to the Government appointed to be taken by Act of Assembly, repeat and subscribe the Abjuration and Test, and then withdraw.

Adjourned until 10 °Clock Tomorrow Morning

Saturday Morning November 2:d 1765. Nov. 2

This House met again according to Adjournment

U. H. J. Liber No. 36 Nov. 2 Present as Yesterday

A Message from the Lower House by Mess.rs Graham & Hanson.

By the Lower House of Assembly Novem:r 2.d 1765

May it please your Honours,

This House hath appointed M.r Dulany Mr Worthington M.r Bealle, M.r Hanson, M.r Graham, Col Loyd and M.r Wilson a Committee from this House to inspect the Office and Proceedings of the Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, and desire your Honours will appoint One or more Members of your House, to join the said Committee. p. 213

Signed ꝑ Order MMacnemara Cl: Lo: Ho:

The following Message is sent by John Ridout Esq:r

By the Upper House of Assembly Novem.r 2.d 1765.

Gentlemen

This House hath appointed Samuel Chamberlayne and Benedict Calvert Esquires, to join the Members of your House mentioned in your Message by Mess.rs Hanson & Graham, in a Committee to inspect the Office and Proceedings of the Commissioners or Trustees emitting Bills of Credit established by Act of Assembly.

Signed ꝑ Order Upton Scott Cl: Up: Ho:

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Adjourned until 10 °Clock on Monday Morning

Nov. 4 Monday Morning November 4: 1765.

This House met according to Adjournment

Present as on Saturday.

Adjourned until 3 oClock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning.

Messieurs W: Adams and Selby attend with M.r Benton Harris, a Member elected for Worcester County, to see him qualified, who takes the Oaths to the Government appointed to be taken by Act of Assembly, repeats and subscribes the Abjuration & Test, and withdraws.

Adjourned until 10 °Clock Tomorrow Morning

U. H. J.
Liber No. 36
Nov. 5
p. 214

Tuesday Morning Novemb.^{r} 5.. 1765

This House met according to Adjournment

Present

The Honourable
Benjamin Tasker
Samuel Chamberlayne
Benedict Calvert
Daniel Dulany
Col Rob^{t} Jenkins
Henry
John Ridout
Col: Henry Hooper
Esquires

This House Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Read the following Petitions and referr'd to the Consideration of the Lower House Viz.^{t}

The Petitions of Dorcas Warner, William Clowes, Thomas Tyler Prisoners in Dorchest.^{r} County Goal; Nathaniel Wickham Sen.^{r} John Turnbull, and John Campbell Prisoners in Frederic County Goal; Stephen Garland, Isaac Rand, & John Garlington Prisoners in Somerset County Goal The Petition of the Rever.^{d} M.^{r} Thomas Bacon The Petition of Ignatius Wheeler and Benjamin Ward Inspectors of Pomonkey Warehouse; The Petition of some of the Inhabitants of Talbot County praying that One Inspector may execute the Duty at Bruffs Ware-house; The Petition of the Rector Vestry and Inhabitants of S^{t} James's Parish in Anne Arundel County; sent by Benedict Calvert Esquire.

Read and rejected the Petitions of Eliz: Goslin & Mary Diapenbeck.

Adjourned until 10 °Clock Tomorrow Morning.

Wednesday Morning Nov..^{r} 6..th 1765

This House met according to Adjournment

Present as Yesterday

Read and referr'd the Petitions of sundry of the Inhabitants of Talbot, and Dorchester Counties, & of Henry Troth, praying, that a Road may be opened to his Ferry over Choptank River.

Adjourned until 3 °Clock in the Afternoon.

Eodem Die post Meridiem

This House met according to Adjournment

U. H. J. Liber No. 36 Nov. 5 Present as in the Morning

Read and rejected the Petition of William Otterbine of Frederic County

p. 215 Adjourned until 10 °Clock Tomorrow Morning

Nov. 7 Thursday Morning Novem..r 7.. 1765

This House met according to Adjournment

Read and referr'd the following Petitions Viz.t

A Petition of William Spry, and James Daly Prisoners in Queen Ann's County Goal The Petition of Levin Townsend a Prisoner in Somerset County Goal The Petition and Memorial of William Lynn, late an Officer in the Maryland Forces The Petition of Mary Covington, Administratrix of Philip Covington of Somerset County The Petition of Cornelius Howard of Baltimore Town The Petition of the Inhabitants of Baltimore Town for establishing a Market &c. These Petitions sent by Daniel Dulany Esq.r

An Account, in Pursuance of the Order of this House, was exhibited by M.r Ross late Clerk of the Council.

On Consideration of M..r Ross's Account, & motion for that Purpose, Col: Henry, and Col Hooper are appointed a Committee, to examine the Proceedings of the Council, and compare the Charges in the said Account therewith, and to report to this House what shall appear to them on their Enquiry and Examination.

The House Adjourns until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Adjourned until 10 °Clock Tomorrow Morning

Nov. 8 Friday Morning November 8..th 1765

This House met according to Adjournment

Present as Yesterday

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

The Governor is pleased to communicate to this House the following Message, together with a Letter from Governor Murray, with a particular authenticated Account of the Losses, which the Inhabitants of Montreal suffered by Fire in May last. U. H. J. Liber No. 36 Nov. 8

Gentlemen of the Upper House of Assembly

I think it my Duty to lay before you a Letter, that I received a few Days ago from Governor Murray, with a particular authenticated Account of the Losses which the Inhabitants of Montreal suffered by the dreadful Fire that in May last broke out in that City. As I doubt not but the Account, given in the Letter, of the unhappy Circumstances to which many of those unfortunate People are now reduced, will excite the Compassion of the Gentlemen who compose the Lower House as well as yours, and think the granting some Relief to the Sufferers by a public Act would really be for the Honour of the Province, and agreeable to the humane and generous Sentiments of the Inhabitants, I recommend it to you to refer the Matter to the Consideration of the Gentlemen of the Lower House, and shall be glad if you jointly approve of my Proposal. p. 216

Hor:^{o} Sharpe

November the 8:th 1765.

Quebec 29. June 1765

Sir

I make no Doubt but your Excellency must have heard, some Time since, of the melancholly Accident that happened by Fire on the 8:th Day of May last to the Poor People of Montreal in this Government. On the News reaching this Place, the Governor and Council assembled to consider what was most proper to be done for the immediate Relief of the unhappy Sufferers and thereupon it was resolved, that two Members of the Council should go to Montreal, as Commissioners to enquire into the Event of this dreadful calamity, and to apply thereto such Assistance as to them should seem fitting: And also to procure every necessary Information, in order to make a true Report of the real Loss sustained by the Inhabitants, which the Head of every Family has respectively attested upon Oath, amounting in the Whole to £116,773..18..6 Current Money of this Province, or £87,500..8..10½ Sterling, Copy whereof accompanies this under the Broad Seal of this Province & my Signature thereto.

It would be needless, Sir, to say any Thing upon this Occasion to induce your Excellency & your Council to exert your Influence and good Offices in so laudible a Work, as that of prevailing with the Affluent in your Province, to contribute to the Relief of the miserable Sufferers, who having lost almost all they were worth before, by the Ravages of War and the none Payment of their Paper Money, nothing remained to complete their Wretchedness but this unhappy Accident. I cannot omit, on this Occasion, applauding, in the strongest Manner, the Behaviour of his Majestys new Subjects in this Province; a seasonable Relief at this Time, must rivet their Affections

U. H. J. Liber No. 36 Nov. 8 to the British Government, and silence those among them, who would insinuate, that the Professors of our Religion do not possess the Christian Virtues to an eminent Degree

I have the Honour to be with great Truth and Regard

Sir

Your most Obed^t^ & most faithful hble Serv.^t^

James Murray

To his Excellency Horatio Sharpe Esq.^r^ Governor of Maryland.

p. 217 Adjourned until 10 °Clock Tomorrow Morning

Nov. 9 Saturday Morning November the 9..^th^ 1765

This House met according to Adjournment

Present as Yesterday

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

The following Message was sent by Col: Hooper, together with Governor Murrays Letter, the authenticated Account of the Losses sustained by Fire at Montreal, and a Copy of the Governors Message of Yesterday.

By the Upper House of Assembly Nov..^r^ 9^th^1765

Gentlemen

We shall be very willing to join with you in a Contribution towards the Relief of the unhappy Sufferers, whose Case is recommended in the Message & Letter communicated with this

Signed ꝑ Order Upton Scott Cl: Up: Ho:

A Bill from the Lower House by Mess..^rs^ J Goldsborough and Hyland entitled an Act for the Relief of several languishing Prisoners in the Goals therein mentioned endorsed

By the Lower House of Assembly Nov..^r^ 9..^th^ 1765

Read the first and second Time by an especial Order & will pass.

Signed ꝑ Order MMacnemara Cl: Lo: Ho:

Adjourned until 10 °Clock Tomorrow Morning

Nov. 11 Monday Morning November 11..^th^ 1765

This House met according to Adjournment

Present

U. H. J.
Liber No. 36
Nov. 11

The Honoble
Benjamin Tasker
Col Charles Hammond
Samuel Chamberlayne
Benedict Calvert
Daniel Dulany
Col Robert Henry
John Ridout
Col Henry Hooper
Esquires.

Read the first Time the Bill entitled an Act for the Relief of several languishing Prisoners in the Goals therein mentioned and ordered to lye on the Table.

Read & referr'd the Petition of Samuel Turnbridge a Prisoner in Ann Arundel County Goal, sent by John Ridout Esquire

Adjourned until 3 °Clock in the Afternoon p. 218

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Adjourned until 10 °Clock tomorrow Morning

Tuesday November 12..th 1765 Nov. 12

This House met according to Adjournment

Present as Yesterday except Col Hammond.

Read and referred the following Petitions to the Consideration of the Lower House, Viz.t

The Petition of John Greeniff Howard, John Denning, Joseph Barham, James Agar, John Condron, Nathan Shaw, Thomas West, Solomon Wheyland, John Lemmons, & John Jones Prisoners in Baltimore County Goal; Augustine Pecker, & Jasper Hall in Ann Arundel County Goal; And also the Petition of Cap:n William McLennon of Frederic County, praying a Recompense for Services done under Col Boquett; sent these Petitions by Daniel Dulany Esquire.

Adjourned until 3 °Clock in the Afternoon.

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Adjourned until 10 °Clock Tomorrow morning

Wednesday Morning Nov:r 13: 1765

This House met according to Adjournment

U. H. J. Liber No. 36 Nov. 12

Present as Yesterday

Read and referred to the Consideration of the Lower House, the Petitions of Luke Gill, Stephen Johnson, and John Knox Prisoners in Ann Arundel County Goal; & John Hughes a Prisoner in Baltimore County Goal.

Read & rejected the Petition of Thomas Collins

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Adjourned until 10 °Clock Tomorrow Morning

Nov. 14 Thursday Morning November 14. 1765

This House met according to Adjournment

Present as Yesterday

p. 219 Read the second Time the Bill entitled an Act for the Relief of several languishing Prisoners therein mentioned, and will pass with the Amendments annexed Viz.t

After the Word "notwithstanding" in the last Line of the second Page, insert the following Proviso "Provided also that the respective Sheriffs of the Counties aforesaid shall be first payed and satisfied their Imprisonment Fees before any Creditor or Creditors shall have or receive any Share or Part of the Effects of the said Prisoners respectively or the Produce thereof"

After the Word "Sheriffs" in the 5.th Line of the last Page, leave out the Residue of that enacting Clause and insert as follows "in Manner following paid and satisfied (that is to say) after Satisfaction of the aforesaid Imprisonment Fees that the Estate and Interest of the aforesaid Prisoners respectively upon which their Judgment Creditors or any claiming or that shall claim under them by Assignment or otherwise have or shall have any Lien or the Produce thereof shall be in the first Place after Satisfaction of the Sheriffs as aforesaid applied to the Discharge of the said Creditors according to the Order or Priority of their Judgments and the Lien arising therefrom and that the Residue of the Estate and Interest of the said Prisoners respectively or the Produce thereof shall be distributed among all the Creditors that shall apply therefore within 30 Days after the aforesaid Sale in equal Proportion to their Demands.

And be it further enacted by the Authority aforesaid that if any of the Prisoners intended by this Act to be relieved are & shall be of sufficient Ability of Body to labour such Person or Persons not having a Wife or Family shall be and are hereby obliged to serve for a Term not exceeding five Years to any Person or Persons who are or shall be inclined to purchase the Time and Servitude of such Debtor or Debtors and that the respective Sheriffs in whose Custody the aforesaid Persons or any of them be shall & are hereby authorized & obliged at the first County Court to be held for their respective Counties next after the End of this Session and during the Time of Court sitting by Order of such Court to publish the sale of each Debtor and the Time of his or her Servitude & the same may & are hereby obliged to sell or Dispose of to the highest Bidder & the Money arising from such Sale shall be as Effects of such Debtor in the Hands of the respective Sheriffs subject as aforesaid to a Distribution in Manner aforesaid and the Sale and Service of such Debtor as aforesaid is hereby directed to be taken as a full and sufficient Acquittal and Discharge against all Debts due from such Debtor before such Sale and Service as aforesaid any thing to the Contrary notwithstanding." sent by Daniel Dulany Esq^r along with the following Message & the Petitions of the sundry Persons read Yesterday. U. H. J. Liber No. 36 Nov. 14

By the Upper House of Assembly Novem..^r 14. 1765 p. 220

Gentlemen

Upon your agreeing to the Amendments proposed by us, We will give our Assent to the Bill entitled an Act for the Relief of certain languishing Prisoners in the several Goals therein mentioned: Since We received the Bill, several Petitions of Prisoners have been laid before us, & as they seem to us to be equally Objects proper to be relieved, We send the Petitions to you, that their Names, if you think proper, may be inserted in the Bill.

Signed ꝑ Order Upton Scott Cl: Up: Ho:

Read and rejected the Petition of George Frazer Hawkins

Read and referred to the Consideration of the Lower House the Petition of Captain Evan Shelby.

Read and referred to the Consideration of the Lower House, the Petitions of the Inhabitants of Baltimore, and Worcester Counties, praying an Establishment of Hospitals or Work-houses in these Counties. Sent these Petitions along with the following Message by Samuel Chamberlayne Esquire.

By the Upper House of Assembly November 14..^th 1765

Gentlemen

This is attended with two Petitions from Baltimore & Worcester Counties desiring that the Inhabitants of these Counties may be relieved from the great & heavy Charge, arising from the Allowances made for the Support and Maintenance of the Poor.

U. H. J. Liber No. 36 Nov. 14 The Burthen occasioned by our present Method of providing for the Poor is generally felt and complained of, and we could wish to see some better Regulation of this Matter universally introduced into this Province.

Upon having Recourse to the last Years Levy Lists, returned to the Clerk of the Council, for Ten Counties only, (The Returns from the Counties of Frederic, S^t^ Marys, Worcester, and Queen Ann's not having yet been made,) we find the Amount of the Poor's Rate, therein, including Sheriffs Commission, to be One Million Three hundred Seven Thousand Six hund.^d^ and forty two Pounds of Tobacco. Whether the Erection of Work-houses or Houses of Correction, in all the Counties, would not give great Relief to the Inhabitants in the annual Levies, afford a more regular and better applied Provision for the Poor, check the Disorders committed by p. 221 common Beggars & idle Vagabonds, and lay a Foundation for useful Industry, we refer to your Consideration.

Signed ꝑ Order Upton Scott Cl: Up: Mo:

On Motion made by Dulany Esquire, Leave given to bring in a Bill to aid common Recoveries for the Security of Purchasers upon valuable Consideration.

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

The House met according to Adjournment

Present as in the Morning.

Read & referred to the Consideration of the Lower House, the Petition of sundry Inhabitants of Ann Arundel County, praying that an Hospital or Work-house may be erected and also the Petition of Ann Ogle, Benjamin Tasker Esq.^r^ & John Hammond Esquire, Send by Benedict Calvert Esquire.

Adjourned until 10 °Clock tomorrow Morning

Nov. 15 Friday Morning Novem.^r^ 15..^th^ 1765

This House met according to Adjournment.

Present as Yesterday

Read & referred to the Consideration of the Lower House the foll.^g^ Petitions Viz.^t^

The Petition of Cap.^n^ Joshua Bell, Capt Franc.^s^ Ware, & Lieut.^t^ Reason Bell, late Officers in the Maryland Forces, The Petition of several Inhabitants of Kent County, praying Leave to erect a new Church, The Petition of the Vestry & Inhabitants of S.^t^ Pauls Parish in Kent County; The Petition of the vestry and Inhabitants of

All Faiths Parish in S.t Marys County; Sent by Samuel Chamberlayne Esquire

U. H. J. Liber No. 36 Nov. 15

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Col Henry and Col Hooper bring in the following Report

To The Honourable the Upper House of Assembly

We the Subscribers, being appointed a Committee by this Honourable House to examine the Proceedings of the Council, and to compare the Charges in the Clerk of the Council's Account, presented in Pursuance of the Order of this Honourable House, with the said Proceedings, and to report to the said House what should appear to them in their Enquiry & Examination, do report to this Honourable House, that they have carefully examined the said Proceedings, & compared therewith the Charges contained in the s.d Clerks Accounts, and that it appears to them, that the actual Service done by the said Clerk, from the 10.th of May 1756 in Copying and recording the Proceedings of the s.d Council, or Matters of a public Nature relative to the executive Powers of this Government charging Nine Pounds of Tobacco ℘ Side containing One Hundred & five Words, amounts to a sum considerably exceeding the Quantity of Tobacco mentioned in the Clerks Account, exclusive of all Charges for Attendance preceeding the Meetings of Council, the summoning of the Members, keeping Officers Bonds, County Levies &c &c all which is humbly Submitted to this Honourable House. p. 222

15..th November 1765.

Robert Jenkins Henry
Henry Hooper.

[*The account of the clerks of the Council referred to in the above paragraph is not entered at this place in the journal of the Upper House but at the end of the journal for this session. See pages 115-130*]

On Motion made by Daniel Dulany Esquire, Leave given to bring in a Bill to aid an Act for Limitation of certain Action for avoiding Suits at Law.

Adjourned until 10 °Clock tomorrow Morning

Saturday Morning November 16..th 1765.

Nov. 16

This House met according to Adjournment

Present as Yesterday

Daniel Dulany Esq.r bringeth in a Bill, entitled a Supplementary Act to the Act entitled an Act for the Limitation of certain Actions for avoiding Suits at Law.

U. H. J. Liber No. 36 Nov. 16 Read the first Time & ordered to lye on the Table.

Read & referred to the Consideration of the Lower House, The Petition of the Rector, Vestry & Parishoners of S:^{t} Andrews Parish in S.^{t} Marys County, for raising 300,000^{lb} of Tobacco to build a Church

Adjourned until 10 °Clock tomorrow Morning

Nov. 18 Monday Morning November 18.. 1765

This House met according to Adjournment

Present

The Honourable
Benjamin Tasker
Col Charles Hammond
Samuel Chamberlayne
Benedict Calvert
Daniel Dulany
Col Rob.^{t} Henry
John Ridout
Col. Henry Hooper
Esquires

p. 223 Read & referred to the Consideration of the Lower House, the Petition of Thomas Schley & John Jeremiah Myar, & also the Petition of John Jeremiah Myar.

Read the second Time and will pass A Supplementary Act to the Act entitled an Act for the Limitation of certain Actions for avoiding Suits at Law. Sent along with the Petitions by John Ridout Esquire

Adjourned until 3 °Clock in the Afternoon.

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning except Col Hammond

Read and referred to the Consideration of the Lower House, the Petitions of Shalwell Loftus, William Cummins, John Lawrence, William Lancaster, Jonathan Hollings & Samuel Roberts Prisoners in Cecil County Goal.

Adjourned until 10 °Clock Tomorrow Morning

Nov. 19 Tuesday Morning November 19:th 1765

This House met according to Adjournment

Present as Yesterday Afternoon except Samuel Chamberlayn Esq.^{r} and Col Robert Henry

Read & referred to the Consideration of the Lower House, the Remonstrance of the Inhabitants of Prince Georges County against Negroes Stealing Sheep & Hogs, & against Dogs destroying them. Sent by Col Hooper with the Prisoners Petition from Cecil Coun.^{y}

Adjourned until 3 °Clock in the Afternoon.

Eodem Die post Meridiem

U. H. J.
Liber No. 36
Nov. 19

This House met according to Adjournment

Present as in the Morning

The following Bills by Mess^rs J Goldsborough and Mackall Viz^t

A Bill entitled a Supplementary Act to the Act entitled an Act for the speedy Recovery of small Debts out of Court before one Justice of the Peace.

A Bill entitled a Supplementary Act to the Act entitled an Act ascertaining what Damages shall be allowed upon protested Bills of Exchange.

These Bills read the first & second Time in the Lower House and will pass

Adjourned until 10 °Clock Tomorrow Morning

Wednesday Morning Nov..^r 20, 1765

Nov. 20

p. 224

This House met according to Adjournment

Present as Yesterday

Read the first and second Time by especial Order a Bill entitled a Supplementary Act to the Act entitled an Act ascertaining what Damages shall be allowed upon protested Bills of Exchange & will pass so endorsed.

Read the first & second Time by especial Order A Bill entitled a Supplementary Act to the Act entitled an Act for the speedy Recovery of small Debts out of Court before One Justice of the Peace & will not pass so endorsed. These Bills sent by Dan:^l Dulany Esq.^r

A Bill by Mess.^rs Sullivane & W Adams entitled an Act for the Benefit of the Poor and Encouragement of Industry.

Read the first and second Time in the Lower House & will pass.

Read the first Time in this House and ordered to lye on the Table.

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

A Bill by [*Col. Lloyd and Mr. Dent*] entitled an Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise

Read the first & second Time in the Lower House & will pass.

Read the first Time in this House & ordered to lye on the Table.

Read & referred to the Consideration of the Lower House, The Petition of John Brown a Prisoner in S:^t Mary's County Goal. Sent by John Ridout Esquire.

Adjourned until 10 °Clock Tomorrow Morning

U. H. J.
Liber No. 36
Nov. 21

[Thursday Morning, Nov. 21, 1765]

This House met according to Adjournment

Present as Yesterday

A Bill by Mess.rs Edmonson & F Gant entitled an Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs & for other Purposes therein Mentioned.

Read the first & second Time in the Lower House & will pass.

Read the first Time in this House & ordered to lye on the Table.

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning.

p. 225 Read and referred to the Consideration of the Lower House, the following Petitions Viz.t

The Petition of Barton Lucas late an Officer in the Maryland Troops; The Petition of John Brashear, & Samuel Tannyhill Prisoners in Prince Georges County Goal, & of Captain John Barns a Prisoner in Calvert County Goal. Sent by John Ridout Esquire.

Read the second Time a Bill entitled an Act for the Benefit of the Poor & the Encouragement of Industry & will pass with the following Amendment Viz.t

Strike out the first Proviso beginning in the 21.st Line & insert the following Proviso Viz.t "Provided that the Linen for which the Bounties aforesaid are to be given & allowed in Pursuance & by Virtue of this Act shall completely in all and every Respect after swingling the Flax & Hemp be manufactured by White Persons within this Province & that the said Linen shall be made of Flax or Hemp of the Growth of this Province and that such Proof shall be made of the said Manufacture & Growth as the Justices in the County Court to whom Application shall or may be made for the Bounty aforesaid or the major Part of them shall require." So endorsed & sent by Benedict Calvert Esq.r

A Bill by R: Goldsborough & Mr Harris, entitled an Act to prevent the Navigation on Potowmack River, Monocacy and great Conicocheague Creeks being obstructed.

Read the first & second Time in the Lower House & will pass.

Read the first Time in this House & ordered to lye on the Table.

Adjourned until 10 °Clock Tomorrow Morning

Nov. 22

Friday Morning November the 22:d 1765

This House met according to Adjournment

Present as Yesterday.

U. H. J. Liber No. 36 Nov. 22

A Bill by Mess.^{rs} Graham & Bealle entitled a Supplementary Act to the Act entitled an Act for the Limitation of certain Actions for avoiding Suits at Law.

By the Lower House of Assembly 18th Nov^{r} 1765

Read the first Time & ordered to lye on the Table.

By the Lower House of Assembly 22^{d} Nov.^{r} 1765

Read the second Time & will pass

Signed ꝑ Order MMacnemara Cl: Lo: Ho:

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

p. 226

A Bill brought in by Daniel Dulany Esquire entitled an Act to repeal the Act entitled an Act for the Encouragement of such Persons as will undertake to build Watermills.

Read the first Time & ordered to lye on the Table.

Adjourned until 10 °Clock Tomorrow Morning

Saturday Morning November 23^{d} 1765

Nov. 23

This House met according to Adjournment

Present as Yesterday

Read & assented to the engrossed Bill, entitled a Supplementary Act to the Act entitled an Act for the Limitation of certain Actions for avoiding Suits at Law.

Read the second Time a Bill entitled an Act to repeal the Act entitled an Act for the Encouragement of such Persons as will undertake to build Water-Mills & will pass so endorsed

Read the second Time a Bill entitled an Act to prevent the Mischiefs arising from the Multiplicity of useless Dogs, & for other Purposes therein mentioned & will pass with the Amendments annexed Viz.^{t}

(1.st) Leave out the Preamble

(2.^{d}) In the 8th Line of the first Page after the word "Plantation" add the following Words Viz.^{t} "or by Him or Her permitted or suffered to be kept thereon by any Servant or Servants, Slave or Slaves."

(3.^{d}) In the Ninth Line of the first Page after the word "kept" add the following Words Viz^{t} "or permitted or suffered to be kept as aforesaid."

U. H. J. Liber No. 36 Nov. 23

(4th) In the 14th Line of the first Page leave out the Words "which Owner or Keeper of Dogs" and insert in the Place thereof the following Words Viz.t "and the Person or Persons liable to the Payment of the sums of Money."

(5th) In the 16:th Line of the first Page strike out the Words, "Ex-Officio" & after the Words Vizt "for making out of which Copy as aforesaid the said Clerk's shall be allowed such a Sum of Money as the Justices at the said November Court shall think proper to be paid by the respective Sheriffs out of the Monies which shall be by them collected & levied in virtue of this Act.

(6th) In the 18 Line of the first Page after the Word "Dogs" add the following Words Vizt "or hath or have permitted or suffered the same to be kept as aforesaid"

(7) In the 5th Line of the second page, strike out the Word "Adjacent" & insert in the place thereof the Word "Neighbouring" & after the Word "Credit" in the same Line add the following p. 227 Words Viz.t "not being related to the Person or Persons injured."

(8th) In the 13.th Line of the 2d Page after the Word "aforesaid" add the following Words Viz:t "Whose Certificate shall be deemed & held to be sufficient Evidence of the Fact certified as aforesaid"

(9th) In the 14th Line of the 2d Page after the Word "Court" add the following Words Viz.t "of the County"

(10.th) In the 15.th Line of the 2d Page after the Word "done" add the following Words Vizt "if the Owner or Possessor aforesaid shall not reside within this Province and in another County if He or She shall reside in another County before a single Justice of the County wherein He or She shall reside if Fifty Shillings or under or if above that Sum in the County Court of the County wherein the said Owner or Possessor shall reside"

(11th) In the last Line of the second Page after the Word "Worrying" add the following Words "or running after & pursuing"

(12th) In the 16th Line of the 3d page after the Word "aforesaid" add the following Words Vizt "after Deduction of their Salary & Commission and of the Sum which shall or may be allowed to the Clerks as aforesaid"

(13th) In the third Line of the last Page strike out the Words "To the City of Annapolis nor"

(14th) After the last Proviso in the last Page insert the following Clause. "And be it enacted by the Authority aforesaid that in Case any Master or Mistress or any other Head of a Family shall give into the Constable any Dog or Dogs not in Fact belonging to or kept for the proper Use or Convenience of such Master, Mistress or other Head of a Family in order to & for the Purpose of evading the Tax aforesaid intended to be imposed by this Act upon Dogs owned or kept by single Persons not having or keeping a Family such Master, Mistress or other Head of a Family shall forfeit and pay the sum of Twenty Shillings for every such Offence, the said Sum to be recovered before any single Justice of the Peace as aforesaid one Half whereof to the Informer & the other Half to the Sheriff of the County for the same uses as the Tax raised by Virtue of this Act. so endorsed.

Read the second Time, a Bill entitled an Act to prevent the Navigation of Potowmk River Monocasey & great Conicocheague Creeks, from being obstructed, & will pass with the following Amendments Viz.^{t} leave out the Word "Act" in the 21st Line of the first page the following Words Viz.^{t} "and may from & after the first Day of October next so pull down prostrate and destroy any Dam already in Being in either of the said Creeks to which a sufficient Lock as aforesaid shall not then be affixed & built" & insert in the Place thereof, the following Words Viz.^{t} "and also may after the End of this present Session of Assembly pull down, abate, prostrate & destroy any Fish Dam already in Being in the River aforesaid or in either of the said Creeks," so endorsed These 3 Bills sent by Daniel Dulany Esquire. p. 228

Adjourned until 3 °Clock in the Afternoon.

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Adjourned until 10 °Clock on Monday Morning

Monday Morning 25.th Nov.^{r} 1765 Nov. 25

This House met according to Adjournment

Present as on Saturday.

Read and referred to the Consideration of the Lower House, the Petitions of Rich.^{d} Freeman & Jn:^{o} Wood Prisoners in Calvert County Goal; & of Nicholas Minskey a Prisoner in Ann Arundel County Goal; Sent by Daniel Dulany Esquire.

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Read & referred to the Consideration of the Lower House, the Petition of John Lanham a Prisoner in Frederic County Goal; sent by Benedict Calvert Esquire.

U. H. J. Liber No. 36 Nov. 25 A Bill by Mess.rs Worthington and Ed: Gant entitled an Act for the speedy Payment of sundry Persons several Sums of Money allowed them on Account of the late War.

Read the first and second Time in the Lower House & will pass.

Read the first Time in this House and ordered to lye on the Table.

A Bill by Mess.rs Dye and Hall entitled an Act for the further Enlargement of Baltimore Town in Baltimore County.

Read the first & second Time in the Lower House & will pass.

Read the first Time in this House & ordered to lye on the Table.

Adjourned until 10 °Clock Tomorrow Morning

Nov. 26 Tuesday Morning November 26..th 1765

This House met according to Adjournment

Read the second Time the Bill entitled an Act for the further Enlargement of Baltimore Town in Baltimore County & will pass. so endorsed

p. 229 Read the second Time the Bill entitled an Act for the speedy Payment of sundry Persons several Sums of Money allowed to them on Account of the late War & will not pass. so endorsed

Sent it with the following Message by Benedict Calvert Esquire.

By the Upper House of Assembly November 26..th 1765

Gentlemen

We return you the Bill entitled an Act for the speedy Payment of sundry Persons several sums of Money, allowed to them on Account of the late War, with a Negative, because we think that there are other Persons equally entitled to Satisfaction from the Public, who ought to be considered at the same Time with Those who are favoured with the above Bill.

Signed ꝑ order Upton Scott Cl: Up: Ho:

Read & referred to the Consideration of the Lower House, the Petition of Alexander Somerville late an Officer in the Maryland Troops, this Petition & the above two Bills sent by Benedict Calvert, Esquire

Adjourned until 10 °Clock tomorrow Morning

Nov. 27 Wednesday Morning November 27.th 1765

This House met according to Adjournment

Present as Yesterday except Daniel Dulany Esq.r

Adjourned until 10 °Clock Tomorrow Morning

Thursday Morning Novem.r 28. 1765

U. H. J.
Liber No. 36
Nov. 28

This House met according to Adjournment

Present as Yesterday.

The Bill, entitled an Act for the Relief of several Languishing Prisoners in the Goals therein mentioned brought, by Col Plater & M.r Parran with the following Message.

By the Lower House of Assembly 28th Nov.r 1765

May it please your Honours

This House agrees to all the Amendments proposed by you to the Bill for the Relief of Prisoners, except that, obliging single Person to servitude; However right it may be, in a general Insolvent Act, that Persons of sufficient Ability of Body to Labor, & not having Wives or Families, shall be obliged to a reasonable Time of Servitude for the Benefit of their Creditors, upon their being relieved from Goal, we cannot think it would be just in the present Case, as several of the Prisoners, who will be the Objects of this Bill, may probably long since have offered those Terms to their Creditors, & having since suffered considerably by their Confinement in Goal, we hope your Honours will not desire the Hardships of Servitude should be added thereto. And as we are greatly affected by the unhappy Circumstances of the Prisoners, and especially as the extreme Cold Season of the Year is nearly approaching, we hope your Honours will not adhere to that Amendment p. 230

Signed by Order MMacnemara Cl: Lo: Ho:

The Bill entitled an Act to prevent the Mischiefs arising from the Multiplicity of useless Dogs and other Purposes therein mentioned brought by Mess:rs Baker & Travers with the following Message.

By the Lower House of Assembly Novr 28.th 1765

May it please your Honours.

This House have agreed to all the Amendments proposed by your Honours to the Bill entitled an Act to prevent the Mischiefs arising from the Multiplicity of useless Dogs & for other Purposes therein mentioned except the 5.th & the latter Part of the 12.th Viz.t "and of the Sum which shall or may be allowed to the Clerks as aforesaid" The Fund to be raised by the Bill will we apprehend be too small to admit of any Allowance to the County Clerks out of it for their Trouble, and rather than take any Thing from the Fund, for that Purpose, we would agree to wave imposing that Duty on the Clerk, & leave the Sheriffs to make the Charge against the People from the Constables Original List, a Duplicate of which being lodged in Court as the List of Taxables are, may be a Sufficient Check on the Account to be rendered by the Sheriff of the Court.

Signed ꝑ Order MMacnemara Cl: Lo: Ho:

U. H. J. Liber No. 36 Nov. 28 Read and referred to the Consideration of the Lower House, the Petition of several of the Inhabitants of the Town of Chester in Kent County; sent by Benedict Calvert Esquire

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning.

A Bill by Col Hyland & Mr Baker entitled an Act to revive & aid the Proceedings of Cecil County Court.

Read the first & second Time in the Lower House & will pass.

Read the first Time in this House & ordered to lye on the Table.

A Bill by Mess.rs Wilson & Sullivane, entitled an Act to impower p. 231 Mary Covington Administratrix of Philip Covington late of Somerset County deceased to sell and Dispose of the Lands of the said Philip for the Purposes therein mentioned.

Read the first and second Time in the Lower House and will pass.

Read the first Time in this House and ordered to lye on the Table.

A Bill by Mess.rs E. Gant and Jacobbs entitled an Act for the Security of Purchasers and others being Protestants claiming by or from Aliens.

Read the first and second Time in the Lower House and will pass.

Read the first Time in this House and ordered to lye on the Table.

A Bill by Mess.rs Wright and Gibson, entitled an Act for issuing Writs of Replevin out of the County Courts of this Province.

Read the first and second Time in the Lower House and will pass.

Read the first Time in this House and Ordered to lye on the Table.

Adjourned until 10 °Clock Tomorrow Morning

Nov. 29 Friday Morning Novem:r 29. 1765

This House met according to Adjournment

Present as Yesterday with Col Hammond & Mr Dulany.

Read and referred to the Consideration of the Lower House the Petition of the Visitors of the Free School of Kent County. Sent by Col: Hammond.

The two following Bills by Col Plater & M.r Heath Viz.t

A Bill entitled an Act to enable the Justices of St Marys County Court to assess & levy on the Taxable Inhabitants of St Andrews Parish a Quantity of Tobacco for building a Church and for other Purposes therein mentioned.

A Bill entitled an Act to enable the Justices of St Marys County Court to assess & levy on the Taxable Inhabitants of All Faiths

Parish a Quantity of Tobacco and for other Purposes therein mentioned. U. H. J. Liber No. 36 Nov. 29

A Bill by Mess.rs Ward and Ware entitled an Act to aid defective [common] Recoveries.

A Bill by Mess.rs Dye & Gibson entitled a Supplementary Act to the Act entitled an Act relating to the Standard of English Weights and Measures.

These four Bills read the first and second Time in the Lower House & will pass.

Read the first Time in this House and ordered to lye on the Table.

A Bill by Mess.rs Allen & Sullivane entitled an Act to repeal the Act entitled an Act for the Encouragement of such Persons as will undertake to build Water-mills. endorsed

By the Lower House of Assembly Novem:r 23.d 1765 p. 232

Read the first Time and ordered to lye on the Table

By the Lower House of Assembly 28 Novem:r 1765

Read the second Time and will not pass.

Signed ꝑ Order MMacnemara Cl: Lo: Ho:

A Bill by Mess.rs Ringgold & Buchannon entitled an Act for the Building a Vestry House at S.t Pauls Parish in Kent County.

Read the first & second Time in the Lower House and will pass.

Read the first Time in this House and ordered to lye on the Table.

Read the second Time the Bill entitled an Act to aid & revive the Proceedings of Cecil County Court and will pass so endorsed.

Read the second Time the Bill entitled an Act to impower Mary Covington Administratrix of Philip Covington late of Somerset County Deceased to sell & dispose of the Lands of the said Philip for the Purposes therein mentioned & will pass. so endorsed

These two Bills sent by Daniel Dulany Esquire as also the Bill entitled an Act to prevent the Mischiefs arising from the Multiplicity of useless Dogs and for other Purposes therein mentioned together with the following Message.

By the Upper House of Assembly Nov..r 29:th 1765

Gentlemen

You having proposed to take off the Duty imposed on the Clerk by the Bill, and our Amendments having been made only in Consequence of that Duty, we are willing to give it up upon the Bill's being varied according to your last Proposition.

Signed ꝑ Order Upton Scott Cl: Up Ho:

The Bill by Mess.rs F Gant & Lee entitled an Act to prevent the Navigation of Potowmac River Monocasey and great Conicocheague Creeks being obstructed brought with the following Message

By the Lower House of Assembly November 29:th 1765

U. H. J. Liber No. 36 Nov. 29

May it please your Honours

We herewith return you the Bill entitled an Act to prevent the Navigation on Potowmac River Monocasey and great Conicocheage Creeks being obstructed. It is represented to this House, that there is at present no Mill Dam of any Kind on either Monocasey or great Conicocheague Creek, except a Saw Mill Dam on Conicocheague, near its Mouth, and that the Builder of that Dam was by the Erection of it, a Trespasser on the Property of another, as that Dam if suffered to remain in its present State will entirely prevent Navigation on Conicocheague, & the Builder erected it, not only without any p. 233 Encouragement from our Laws in Being, but against Law, this House thought Him very Tenderly dealt with by this Bill, in only being obliged to make a sufficient Lock by the first Day of October next, in which private Interest and public Convenience are intended, as far as they can, to be reconciled We therefore hope that on reconsidering the Matter, the same Reasons, that influenced this House, will induce your Honours to wave your proposed Amendment.

Signed ꝑ Order MMacnemara Cl Lo Ho:

Read the second Time by especial Order the following Bills Viz.^{t}

A Bill entitled an Act to enable the Justices of S^{t} Marys County Court to assess & levy on the Taxable Inhabitants of S^{t} Andrews Parish a Quantity of Tobacco for building a Church & for other Purposes therein mentioned.

A Bill entitled an Act to enable the Justices of S^{t} Marys County Court to assess and levy on the Taxable Inhabitants of All Faiths Parish a Quantity of Tobacco & for other Purposes therein mentioned.

A Bill entitled a Supplementary Act to the Act entitled an Act relating to the Standard of English Weights & Measures.

A Bill entitled an Act for building a Vestry House at S^{t} Pauls Church in Kent County

These four Bills passed and sent to the Lower House by Daniel Dulany Esquire.

Read the second Time a Bill entitled an Act for issuing Writs of Replevin out of the County Courts of this Province & will not pass, so endorsed and sent by Daniel Dulany Esq:^{r}

The Bill entitled an Act for the Benefit of the Poor and the Encouragement of Industry brought by Mess.^{rs} E: Gant and R.. Goldsborough with the following Message.

By the Lower House of Assembly Nov.^{r} 29. 1765

May it please Your Honours

This House have considered the Amendment, proposed by your Honours, to the Bill entitled, an Act for the Benefit of the Poor and Encouragement of Industry; and as we understand the Force

U. H. J. Liber No. 36 Nov. 29

of that Amendment extends to apply the Bounties raised in any particular County to Linnens Manufactured in any Part of the Province, which we apprehend would not properly Encourage Manufactories of Linnen in every County, but that the Inhabitants of particular Counties, who are already considerably Skilled in that Manufacture, might get all the Bounties in the Province, which would tend to discourage others from attempting it; We therefore cannot agree to your Honours Amendment so extensively but are willing the Flax or Hemp, of which the Linnen is made, shall be the Growth and Manufacture of any Part of the Province, provided the Spinning the Thread & Weaving & whitening the Linnen be confined to the particular County that pays the Bounty, & hope your Honours will consent that the Bill be amended agreeable to this Proposal.

Signed ꝑ Order MMacnemara Cl. Lo: Ho: p. 234

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Benedict Calvert Esq.^{r} brings in the following Report

Maryland S.^{s}

At a Committee of both Houses of Assembly appointed to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly.

Were Present

The Honourable Benedict Calvert Esquire, Samuel Chamberlayne Esquire [*of the Upper House*]

Walter Dulany Brice T B Worthington John Hanson Josias Bealle Jun^{r} Charles Graham Richard Lloyd	Messieurs	Samuel Wilson Tho.^{s} Ringgold Henry Hall Mich.^{l} Earle Rob^{t} Buchannon	Of the Lower House

Who make Choice of and appoint the Honourable Benedict Calvert Chairman, and Robert Couden their Clerk, and agree to make the following Report Viz.^{t}

Your Committee find by an Account from the Trustees in London dated June 7..th 1764. that there was then Capital Bank Stock belonging to the Province £40,800, which Cost £50,731 :7 :6, and there was £32..4..2 a Balance not invested, out of which Sums the Commissioners of the Paper Currency Office have drawn, in Bills of Exchange since September 29:th 1764, the sum of £25,778..18..6 Sterling, and paid away Bills of Exchange to the Amount of £1010..5 :7½ paid in

U.H.J. Liber No. 36 Nov. 29 by the several Naval Officers, by Virtue of the Act passed in the Session of Assembly in October 1763 to sink the Paper Bills of Credit to them brought in, & since June 7:th 1764; The Trustees in London have rendered no Account so that we cannot exactly ascertain what the Balance now due to the Province may be. Your Committee also find by the Naval Officers Accounts that the sum of £848..9..9.. hath been remitted to the Trustees in London by the said Naval Officers for Duties received before the 1:st Day of November 1763 which Sum is yet to be accounted for by the said Trustees.

Your Committee having during the present Session counted & burn't the sum of £35,719..4..6 being the Whole of the Money yet brought in to be sunk, also £1920 appropriated for scalps & never emitted, & Likewise £20,557..8..6 out of Iron Chests N:os 1 & 2, and there appears a Balance due, by the Books of the Office, in the said Chest in Gold & Silver the sum of £11,557..13..10¾, on weighing & Counting of which, we find £10,108..18..7 in Gold and £1464..15:11 in Silver, & Bills of Exch:ge for £142..0..11 Ster.[1] paid in by the Agents, & of Nine Pence half penny by Richd Lee Esq.r Naval Officer of Potowmac, as ꝑ the following Accounts more fully appears

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D.r From Chest N:o 2	£ S D	£ S D
To Balance in Chest ꝑ Report November 24th 1763		[3,109..18..10]
To Money paid in for Duties on Writs and Stamps from November 22..d 1763, to Novr 28..th 1765.		222.. 8.. 7
To Money paid in for Duties on Serv.ts & Negroes in same Time		930..16..10
To Money paid in for Excise on Liquors in same Time		571..16..11¾
To Money paid in for Ordinary Licenses in same Time		728.. 4.. 9
To Money paid in for Land Tax		1,345..10.. 4
To Money paid in for Tax on Batchelors		292.. 7.. 3
To Money paid in for Tax on Wheel Carriages		98..19.. 3
To Money paid in for Tax on Billiard Tables		17..11.. 0
To Money paid in for Duty on Pitch Tar & Turpentine		5..15.. 6¾
To Money paid in for Pedlars Licences		27.. 6.. 0
To Money paid in by the Agents Messrs Murdock Dick and Wolstenholme in Bills of Credit	227.. 1.. 6	
And their Bill on Jno Buchannon London for £142..0..11 at 33⅓	189.. 7..10½	
		416.. 9.. 4½
		£7,767.. 4.. 9

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[Cr.]

Per Contra

	£ S D C.^{r}
By Money paid in for the Bounty on 4 Indian Scalps	£200.. 0.. 0
By Money paid Col Edward Lloyd and William Thomas Esq.^{r} Rent Roll Keepers, their Commissions on the Land Tax	83.. 3.. 3¾
By Money appropriated for Scalps & never emitted and now burn't by the Committee	1,920.. 0.. 0
By Balance carried to the Debet of Iron Chest N° 1. this 28..th November 1765	5,564.. 1.. 5¼
	£7,767.. 4.. 9

[D.^{r}] From Chest N:° 1. D.^{r}

To Balance ꝑ Report November 24..th 1763	£20,481.. 5.. 0¾
To Principal Money since paid in	6,309.. 5.. 0¼
To Interest Money since paid in	808.. 9..11½
To Iron Chest N.° 2 for Balance in it Nov.^{r} 28:th 1765	5,564.. 1.. 5¼
	£33,163.. 1.. 5¾

[Cr.]

[Per Contra] Iron Chest N..° 1..

	C..^{r}
By Money lent on Bond	£61..17.. 0
By Money paid the Commissioners their Salary	534..10.. 5
By money paid the Clerk his Salary	200..10.. 0
By Money paid for Wood, Advertisements, Blank Bills of Exchange and other Officers Charges	61..13.. 9½
By Money burnt by the Commissioners this Session	20,557.. 8.. 6
By Mess.^{rs} Murdock Dick & Wolstenholme their Bill on Jn° Buchannon London £142..0..11 Sterl:^{g} at 33⅓ Exch.^{ge}	189.. 7..10½
By Balance in Gold & Silver	11,557..13..10¾
	£33,163.. 1.. 5¾

Your Committee, on examining the Books in the Office, finds the following Persons are still indebted by Bond & Mortgage Viz.^{t} p. 236

Alexander Rynd	ꝑ Bond	£30.. 0.. 0
Joseph Barret	ꝑ Bond	20.. 0.. 0
Lyttleton Townsend	ꝑ Mortgage	80.. 0.. 0
Henry Baily	ꝑ Mortgage	50.. 0.. 0
Robert Riddle ꝑ Bond with Edward Sprigg Security		31..19.. 4½
Nathan Whitaker ꝑ Bond with Thomas Lambden Security		10..15.. 0

U. H. J. Liber No. 36 Nov. 29 And that the Balance of £686..14..6 is still due to the Office for Money taken out of it by the Act of Encouragement for Able Bodied Freemen voluntarilly enlisting into His Majestys Service for the Expedition against Cuba which was to have been replaced by Public Assessment & on the Act passed in Septem:^{r} 1756 for the Encouragement of Jonas Green due

From William Hedges late Sheriff of Cæcil County.	£10..10.. 0
And John Fendall late Sheriff of Charles County...	17..10.. 0

And that the following Sums reported last Session to be due from the sundry late Sheriffs on Ordinary Licences are still unpaid Viz:^{t}

John Risteau late Sheriff of Baltimore County.....	£121..10.. 0
Henry Morgan late Sheriff of s^{d} County..........	26.. 2.. 6
Thomas Sheridan ....D^{o}..................	24.. 5.. 6
John Smith late Sheriff of Cæcil County..........	49.. 8.. 4
John Parran late Sheriff of Calvert County........	11..17.. 6
Osborne Sprigg late Sheriff of P: Georges County..	131..16.. 5½
Walter Hanson late Sheriff of Char^{s} County.......	23..15.. 0
William Maudit late Sheriff P: Georges County....	71..16..10½

Your Committee have also examined the Returns and Payments of the several Officers & Collectors of the Funds under the [1756] Act for Granting a supply of £40,000 for his Majestys Service & striking £34,105..6..0 thereof in Bills of Credit, & raising a Fund for sinking same and finds the following Deficience Viz.^{t}

The Collector of the Excise in Baltimore County has rendered no Accounts or paid any Money for Excise on Liquors from the 25th March 1763 to the Expiration of that Law, nor did he collect more than £10..11..1 for the Half Year next preceding the said County.

And the Sheriff of Prince Georges County has not accounted for the Batchelors Tax for the year 1763. The Collectors of the Land Tax of Frederic County has not paid the last years Land Tax ending September 29..th 1763 nor the Collector of the said Tax for Queen Anns County the last Half Year Land Tax ending September 29..th 1763 which is £73..12..2 by Account lodged in the Office. The Collector of Excise for Kent County has rendered no Account or paid any Money for Excise from March 25:th 1759 to November in that Year, or for Wheel Carriages in 1757.

The Sheriff of Calvert County owes the Batchelors Tax for 1759.

The Sheriff and Collector of the Excise and Land Tax of Cæcil County, has rendered no Accounts or paid any Money for the Wheel Carriages in 1755 & 1756 or for Billiard Tables and Batchelors Tax in 1756 & 1757 or for Excise & Land Tax from June 1756 to Nov.^{r} 1757

p. 237 Your Committee on examining the State of the Bills of Credit under the Act for emitting & making Current Ninety Thousand

Pounds, find that there is yet a Sum of £4502..8..4½ in said Bills of Credit not brought in to be sunk, as by the following State will appear.

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The Province of Maryland on the Act for emitting £90,000 in Bills of Credit

D.r	
1734 To Money emitted	£89,990

	C..r s d
1748 By Money brought in to be sunk	£83,962..16.. 0
1749 April 1.st By Money in the Office being the Balance of the Chest that Day	1,223.. 6.. 7½
	85,186.. 2.. 7½
Balance not brought in to be sunk at the first Period	4,803..17.. 4½
	£89,990.. 0.. 0

	[D.r] s d
1748 To the above Balance	£4,803..17.. 4½
To Money issued in Exchange for Money bro:t in being ⅔ of £83,962..16..0	55,975.. 4.. 0
	£60,779.. 1.. 4½

	[C.r]
1765 Nov.r By Money burnt this Session	£35,719.. 4.. 6
By Money burnt same Time	20,557.. 8.. 6
Balance still out	4,502.. 8.. 4½
	£60,779.. 1.. 4½

Your Committee beg leave further to observe that it appears by Reports of the Committee, May 17.th 1748 and September 17.th 1756, they had Information from Mr Nicholas Hyland, that there was then in the Hands of the Widow & Executrix of William Rumsey, late of Cæcil County, as s.d M.r Hyland was informed, near One hundred Pounds remaining of the 30s ꝑ Taxable, delivered out to the several Counties, which the s.d Widow was ready to pay when required, & it does not appear to your Committee, that the said Sum hath ever been paid into the Office, And your Committee also observe, that regular and Satisfactory Accounts have not hitherto been returned from several of the Counties of such Money, & they apprehend there may be still Balances found Due from many of Them on those Monies, were proper Inquiry made therein. All

U.H.J. Liber No. 36 Nov. 29 which is Submitted to the Consideration of both Houses of Assembly this 29:th of Nov.r 1765.

Benedict Calvert
Brice B: Worthington
Jos Bealle Junr
Charles Grahame
Richard Lloyd
Sam.l Wilson
Tho.s Ringgold
M: Earle
Robt Buchannon

p. 238 A Bill entitled an Act to prevent the Navigation on Potowmac River Monocasey and great Conicocheague Creeks being obstructed. Sent by Benedict Calvert Esquire along with the following Message.

By the Upper House of Assembly Nov.r 29..th 1765

Gentlemen

Our Reason for proposing the Amendments, to the Bill entitled an Act for preventing the Navigation on Potowmac River Monocasey & great Conicocheague Creeks being obstructed was because we thought, that private Property acquired or improved under the general Credit and Faith of our Laws ought not to be affected by a subsequent Act. Who, or whether any Person might be affected by the Act, were it to pass according to its original Frame, we did not enquire, for if none would be affected, that Part of the Bill we proposed to amend would be improper for want of an Object, and if any would be affected, it would be productive of an Effect not consistent with either Policy or Justice. Upon reconsidering of the Matter, and Perusal of your Message, no Reason occurs to us to induce an Alteration of the Opinion we formed upon the Reasons we have explained, nor do we perceive a Competition of Interests on this Occasion, in which a Regard to the Welfare of the Public ought to be preferred to that of a Single Person, or why it would not be more equitable to provide for the general Convenience, at the general Expence, than by an Injury to private Property gained or rendered more valuable under the Faith and Credit of existing Laws.

Signed ꝑ Order Upton Scott Cl: Up: Ho:

Mess.rs J. Goldsborough and Three Others bring the following Message along with Journal of Accounts.

By the Lower House of Assembly Nov..r 29..th 1765

May it please your Honours

We herewith send you the Journal of Acco.ts and a List of Debts incurred on Account of the late War, which we hope your Honours will assent to.

Signed ꝑ Order MMacnemara Cl: Lo: Ho:

Adjourned until 10 °Clock Tomorrow Morning

Saturday Morning 30th November 1765

U. H. J.
Liber No. 36
Nov. 30

This House met according to Adjournment

Present as Yesterday

The following Message with the Bill entitled an Act for the Benefit of the Poor and Encouragement of Industry was sent by Daniel Dulany Esquire

By the Upper House of Assembly Nov.r 30..th 1765

Gentlemen

p. 239

The Bill entitled an Act for the Benefit of the Poor and Encouragement of Industry being amended agreeable to the Proposal made in your Message of Yesterday will meet with the Concurrence of this House.

Signed ꝑ Order Upton Scott Cl: Up: Ho:

The following Message with the Bill entitled an Act for the Relief of certain languishing Prisoners in the several Goals therein mentioned sent by Daniel Dulany Esquire.

By the Upper House of Assembly Nov..r 30:th 1765.

Gentlemen

The Clause we proposed to be inserted in the Bill "for the Relief of Prisoners" to compel Single Persons of sufficient Ability of Body to make Satisfaction to their Creditors by servitude, is, in our Opinion, too just to be altogether evaded. Whether there are any Prisoners who have offered to make satisfaction to all their Creditors by Servitude, and have had their Overtures rigirously rejected by them, is a Fact of which we have no Evidence, and as Justice requires of the Debtor to make Satisfaction to his Creditor, by all the Reasonable Means in his Power, & among these, we think, his Service ought to be considered, when he is able to perform it, without leaving a dependant Family destitute of the support which he might earn and provide by his Industry, we cannot entirely relinquish the Amendment, if however, any of the single Persons included in the Amendment should have made Offers since their Confinement to satisfy their Creditors by Servitude, we are willing to admit of such a Mitigation of the Clause, as will with more Favour distinguish their Case from that of other Debtors who have not discovered the like honest Inclination to do Justice to their Creditors, with this View we propose, that the following Clause be inserted in the Place of that to which you object. Viz.t

"And be it enacted by the Authority aforesaid that if any of the Persons intended to be relieved by this Act are & shall be of sufficient Ability of Body to Labour such Person or Persons not having Wife or Family shall be & are hereby obliged to serve for a Time not exceeding Five Years to any Person or Persons who are or shall be

U.H.J. Liber No. 36 Nov. 30 inclined to purchase the Time or Servitude of such Debtor or Debtors & that the respective Sheriffs in whose Custody the aforesaid Debtors or any of them shall be and are hereby authorized & obliged to summon two Justices of the Peace in the respective Counties at the request of the said Persons as soon as conveniently may be after the receipt of this Act & after giving five Days Notice at the Court Houses of the respective Counties of the intended Sale of such Debtor or Debtors to expose to Sale in the Presence of the said Justices such Debtor or Debtors and the Time of His or their Servitude to the highest Bidder and the Money arising from such Sale shall be as Effects of such Debtor or Debtors in the Hands of the respective Sheriffs subject as aforesaid to a Distribution in Manner aforesaid and the Sale and Service of such Debtor or Debtors p. 240 as aforesaid is hereby directed to be taken as a full and sufficient Acquittal & discharge against all Debts due from such Debtor or Debtors before such Sale. Provided that in Case any of the said Debtors have offered since their Confinement to make Satisfaction to their Creditors by Servitude and that their Creditors have refused to accept the same, that the Time such Debtors have been confined in Prison shall be deemed and taken as part of the aforesaid Term of Five Years & that they shall be obliged to serve for such Time as shall complete five Years from the Day of their Commitment to Prison and that in Case any such Single Persons as aforesaid have been confined in Prison for Five Years or any longer Time that the said Persons so confined shall be discharged upon the same Terms & in the same Manner that Persons having Families are by this Act directed to be discharged."

Should the Bill pass with the Clause none of the Objects of it will have Reason to complain of any Hardship from the Law, for it will be left to their Option to accept or refuse the Terms proposed, and on their Refusal, they will remain in their present State, and we presume that no Diversity of Opinion on this Head will obstruct the Passage of the Bill, not only because its Miscarriage can be of no possible Advantage to any of the Prisoners, but because it would prevent such of the Prisoners, as are not involved or concerned in the Clause, from receiving the Relief which their unhappy Situation, and the Circumstances of their Connexions call for.

Signed ꝑ Order Upton Scott Cl: Up: Ho:

Adjourned until 10 °Clock on Monday Morning

Dec. 2 Monday Morning Dec.^{r} 2.^{d} 1765

This House met according to Adjournment

Present

U. H. J.
Liber No. 36
Dec. 2

Benjamin Tasker	John Ridout	Esquires
Daniel Dulany	Col: Hooper	

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Read and referred to the Consideration of the Lower House the Petition of sundry of the Inhabitants of St Pauls Parish in Queen Anns County sent by Daniel Dulany Esq.r

Adjourned until 10 °Clock to Morrow Morning

Tuesday Morning Dec.r 3.d 1765

Dec. 3

This House met according to Adjournment

Present as Yesterday.

A Bill by Mess.rs Sullivane and Edmonston entitled an Act to establish a Road from Hunting Creek in Dorchester to Dover in Talbot County.

p. 241

Read the first & second Time in the Lower House and will pass. Read the first and second Time by especial Order in this House & will pass, so endorsed & sent by Col Hooper

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Adjourned until 10 °Clock to Morrow Morning

Wednesday Morning December 4.th 1765

Dec. 4

This House met according to Adjournment

Present as Yesterday and Mr Calvert

The following Bills by Mess:rs Hanson & Wright Viz.t

A Bill entitled an Act continuing an Act entitled an Act to enable the several & respective County Clerks within this Province to remove some of the County Records & Papers from the Public Offices.

A Bill entitled a Supplementary Act to the Act entitled an Act for amending the Staple of Tobacco for preventing Frauds in his Majestys Customs & for the Limitation of Officers Fees

U. H. J. Liber No. 36 Dec. 4 A Bill entitled an Act continuing an Act entitled an Act for Repairing the public Roads in this Province & the Supplementary Act thereto.

A Bill entitled an Act continuing an Act entitled an Additional and Explanatory Act to the Act entitled an Act impowering the Commissioners of the County Courts to levy & raise Tobacco to defray the necessary Charges of their Counties and Parishes.

A Bill entitled an Act continuing an Act for the Relief of such Persons as cannot find Security for their Appearance to testify as a Witness against any Person Arrested Accused or Prosecuted for any Criminal Matter.

A Bill entitled an Act continuing an Act entitled an Act for destroying Wolves in Frederic County.

A Bill entitled an Act continuing an Act entitled an Act to exempt Persons appearing at Musters from Arrests in Civil Cases.

A Bill entitled an Act continuing an Act entitled an Act to make the Testimony of Convicted Persons legal against Convicted Persons

p. 242 A Bill entitled an Act continuing an Act entitled an Act for Punishment of Horse stealers & other Offenders

A Bill entitled an Act continuing an Act entitled an additional Supplementary Act to the Act entitled an Act relating to Servants and Slaves.

A Bill entitled an Act continuing an Act entitled an Act for the more effectual Punishment of certain Offenders and for taking from them the Benefit of Clergy.

A Bill entitled an Act continuing an Act entitled an Act for the more effectual Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from certain Offenders.

And a Supplementary Act to an Act entitled an Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves and directing the manner of trying Slaves.

A Bill entitled an Act continuing an Act entitled a Supplementary Act to an Act entitled an Act laying an Imposition on Negroes and several Sorts of Liquors imported and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province.

A Bill entitled an Act continuing an Act entitled an Act to prevent certain Evils & Inconveniencies attending the Sale of strong Liquors & Running Horse Races near the Yearly Meeting of the People called Quakers & to prevent the tumultuous Concourse of Negroes and other slaves during the s^{d} Meetings

And also One other Act entitled an Act to amend and explain an Act entitled an Act to prevent the Evils & Inconveniencies attending the Sale of strong Liquors and running Horse Races near the Yearly Meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during said Meetings.

A Bill entitled an Act continuing an Act entitled an Act relating to Guardians & Orphans.

These Bills read the first & second Time in the Lower House & will pass.

Read the first and second Time by especial Order in this House & will pass so endorsed and sent by Daniel Dulany Esquire.

A Bill by the same Gentlemen entitled an Act to ease the Inhabitants of this Province & to impower the Justices of the several Counties to bind out the Persons therein mentioned Apprentices.

Read the first and second Time in the Lower House & will pass.

Read the first Time in this House & ordered to lye on the Table.

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Mess.rs Hammond and Chase attend with Mr John Hall a Member elected for the City of Annapolis, to see him qualified, who take the Oaths to the Government appointed to be taken by Act of Assembly, repeats & subscribes the Abjuration & Test & withdraws. p. 243

A Bill by Mess.rs Hammond and Hall entitled an Act to vest Certain Lands in John Hammond Esq.r and for other Purposes therein mentioned.

Read the first and second Time in the Lower House and will pass

Read the first and second Time by especial Order in this House & will pass so endorsed & sent by Benedict Calvert Esquire.

Mess.rs Worthington & Hyland bring the following engrossed Bills assented to by the Lower House Viz.t

A Supplementary Act to the Act entitled an Act relating to English Weights & Measures.

An Act for the further Enlargement of Baltimore Town in Baltimore County.

A Supplementary Act to the Act entitled an Act ascertaining what Damages shall be allowed upon protested Bills of Exchange.

An Act to enable the Justices of S.t Marys County Court to assess & levy on the Taxable Inhabitants of S.t Andrews Parish a Quantity of Tobacco for building a Church & for other Purposes therein mentioned.

An Act to enable the Justices of S.t Marys County Court to assess and levy on the Taxable Inhabitants of All-Faiths Parish a Quantity of Tobacco for other Purposes therein mentioned

U. H. J. Liber No. 36 Dec. 4 An Act for the Benefit of the Poor & Encouragement of Industry.

An Act for the building a Vestry House at S^{t} Pauls Church in Kent County.

An Act to aid and revive the Proceedings of Cæcil County Court.

An Act to impower Mary Covington Administratrix of Philip Covington of Somerset County deceased to Sell & dispose of the Lands of the said Philip for the Purposes therein Mentioned.

An Act to prevent Mischiefs arising from the Multiplicity of useless Dogs, and for other Purposes therein mentioned.

An Act for the Relief of several languishing Prisoners in the Goals therein mentioned.

Read and assented to by this House and ordered to be so subscribed.

The Paper Bills so endorsed are sent by M^{r} Calvert.

The engross'd Bill ent.^{d} a Supplementary Act to the Act entitled an Act for the Limitation of certain Actions for avoiding Suits at Law Read & assented to, ordered to be so subscribed & sent along with the Paper Bills by Benedict Calvert Esq.^{r}

p. 244 Adjourned until 10 °Clock Tomorrow Morning

Dec. 5 Thursday Morning Dec.^{r} 5..th 1765

This House met according to Adjournment

Present as Yesterday.

The following Message was sent by Daniel Dulany Esq.^{r} with the Journal of Accounts

By the Upper House of Assembly Dec.^{r} 5..th 1765

Gentlemen

We have sent back the Journal of Accounts in order that Allowances may be made thereon to the respective Persons following Viz.^{t}

	£ S D
To the Administratrix of Patrick Creagh for Repairs done to the Council Chamber as ꝑ Copy of the Account	8..10..
To the Executors of John Thompson for the same Services as ꝑ Copy of the Acco.^{t}	12..13.. 0
To the Honōble Col Hooper for Ferryages this & the last Session	00..12.. 0
To Samuel Middleton for Transporting some French Neutrals & finding them Provision by Order of the Governor and Council	12..18..10

U. H. J.
Liber. No.. 36
Dec. 5

	Tobacco
To the Secretary on Account of the Prosecution of Richd Smith........................	266
To the Clerks of the Upper House for Copying Journals in the Years 1761, 1762. 1763 and 1765	6,400
To the late Clerk of the Council for 8 years & 6 Months	81,600
To the present Clerk for 11 Months.........	8,800
To the Honourable Benjamin Tasker Samuel Chamberlayne Edward Loyd, John Ridout and Col Hooper for One Days Attendance the 30th September last at a Court of Appeals	750

Upon the Return of the Journal with the above Additions it will pass this House.

We observe that there is no Allowance to the Clerks of the Lower House Copying the Journals in the Years 1761, 1762, 1763 and 1765

Signed ꝑ Order Upton Scott Cl: Up. Ho:

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Read the second Time a Bill entitled an Act to ease the Inhabitants of this Province & to impower the Justices of the several Counties to bind out the Persons therein mentioned Apprentices & will not pass. so endorsed & sent by Benedict Calvert Esquire

Read and rejected the Petition of sundry of the Inhabitants of Baltimore County praying that a Town may be laid out on the Land of John Prester p. 245

Adjourned until 10 °Clock Tomorrow Morning

Friday Morning Decem.r 6..th 1765 Dec. 6

This House met according to Adjournment

Present as Yesterday

Read and referred to the Consideration of the Lower House of Assembly the Petition of sundry of the Inhabitants of Queen Anns County praying for a Division of the Parishes in that County, sent by Benedict Calvert Esquire

Adjourned until 3 °Clock in the Afternoon

U. H. J. Liber No. 36 Dec. 6

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Adjourned until 10 °Clock tomorrow Morning

Dec. 7

Saturday Morning Decem.r 7. 1765

This House met according to Adjournment

Mess.rs Edmonson and Wilson bring up the Paper Bills of a Supplementary Act to the Act entitled an Act for the Limitation of certain Actions for avoiding Suits at Law. thus endorsed

By the Lower House of Assembly 7 Dec..r 1765

The engrossed Bill whereof this is the Original Read and assented to

Signed ꝑ Order MMacnemara Cl Lo Ho:

And also the following engrossed Bills Read & assented to in the Lower House Viz.t

An Act to establish a Road from Hunting Creek in Dorchester to Dover in Talbot County.

An Act to vest the Title of and in certain Lands in John Hammond Esq.r for other Purposes therein mentioned.

p. 246 Read & assented to by this House & ordered to be so subscribed

The Paper Bills sent by Benedict Calvert Esquire.

A Bill by Messrs Hynson & Buchanan entitled an Act to enable the Visitors of Kent County School for the Time being to lease out part of the Land belonging to sd school

Read the first and second Time in the Lower House and will pass.

Read the first and second Time by especial Order in this House & will pass so endorsed and sent by Benedict Calvert Esquire.

A Message by Mess.rs Hammond and Ringgold

By The Lower House of Assembly 7 Dec.r 1765

May it please your Honours.

This House hath agreed to make all the Allowances mentioned in your Message of the 5.th Ins.t by Daniel Dulany Esquire, except those of 81,600lb & 8,800lb of Tobacco to the late and present Clerk of the Council. As it does not appear to this House, for what Services rendered to the Public these Sums are required to be paid we do not think we could be justified to our Constituents in making such Allowances; If those Gentlemen will lay before us a particular Account of their Charges for Services performed by Virtue of the Laws of this Province, and for which they ought to be paid by a Tax on the People, we will readily insert in the Journal what shall appear to us just and reasonable: We have inserted the Allowances to the Clerks of our House for Copying the Journals in 1761. 1762, 1763 and 1765 We think it necessary to inform your Honours, that altho we have, for this Time, allowed the Charge for Repairs done to the Council House, we have resolved that we will not for the future, apply any Money belonging to the Public in Discharge of Contracts made by your Honours. U. H. J. Liber No. 36 Dec. 7

Signed ꝑ Order MMacnemara Cl: Lo: Ho:

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Read the first Time a Bill entitled an Act to aid defective Recoveries & ordered to lye on the Table.

Read the second Time a Bill entitled an Act for the Security of Purchasers and others, being Protestants Claiming by or from Aliens & will pass with the following Amendments Viz:t leave out the Words "being Protestants" in the Title also the Words "being Protestants" in the 7th and 8..th & in the 12.th Line also the Words "A Protestant or Protestants and" in the 17.th and 19.th & in the 20th Lines also the Words "Papist or Papists" in the 19.th & 20th and in the 22.d 23d and 24th Line. so endorsed & sent by Col Hooper.

Adjourned until Monday at 10°Clock p. 247

Monday Morning 9th December 1765 Dec. 9

This House met according to Adjournment

Present as on Saturday

The following Message is sent by Benedict Calvert Esquire with the Clerk of the Council Account, and a Copy of the Report thereupon.

see Folio 222 for a Copy of this Report A Copy of the Account is annexed. [*see pages 115-130*]

By the Upper House of Assembly Dec..r 9..th 1765

Gentlemen

In Consequence of the Order of this House, the late & present Clerk of the Council exhibited Accounts of the services done by them for the Public, so far as they were reducible to Articles which might be Charged in this Manner, and a Committee appointed by us to examine and Compare them with the Council Books having made their Report, we now send you a Copy of that Report, as well

U. H. J. Liber No. 36 Dec. 9 as of the Clerks Accounts, by which we presume, it will appear to your Satisfaction, that the public Services, done by the Clerk, well deserve the Salary claimed by Him and uniformly allowed to this Officer in every Journal to this Time. That the Governor, by the Constitution of this Province, is assisted in the Administration of the Executive Powers of Government, by the Advice of the Council, and the Expediency of appointing an Officer, to give Notice to the Members of the Council when their Attendance is requisite, to prepare the Mandates that issue occasionally to the Subordinate Ministers, and to Record and preserve Memorials of the Proceedings in this Department, is so obvious, that we apprehend it would be unnecessary, to produce any direct Proofs to establish the Fact, That there hath always been a Clerk attendant upon the Council, or to offer any formal Arguments to evince, that as the Council, by our Constitution, assist the Governor with their Advice, in the Administration of the Powers vested in Him as supreme Magistrate, so their Clerk is a Constitutional Officer. According to this Idea, he hath always been paid in the Journal of Accounts for his services to the Community, and hath been enjoyned to perform various Duties, by many Acts of Assembly without the Allotment of particular Rewards.

The Repairs of the Council Chamber were necessary to Shelter us from the Inclemency of the Weather, & we must take the Liberty to inform you, that whatever your Resolves may be, we shall, without any Scruple, take Care to have a proper place to meet in, when we are called together to transact the Public Business.

p. 248 If the Council Chamber had not ben repaired, there would have been a Necessity for making a Contract for the Use of a Room in some private House, as you have done, and there would be the same Reason for applying the public Money in which our Money is as well included as yours, to the Discharge of our Contract, as yours for the like Convenience to yourselves.

Signed ꝑ Order Upton Scott Cl: Up: Ho:

Adjourned until 3 °Clock in the Afternoon.

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Read and referred to the Consideration of the Lower House, the Petitions of sundry of the Inhabitants of Prince Georges County, praying the Repeal of the Squirrel Law, the rebuilding their Prison, and the Erection of a Workhouse, as also, the Petition of Baldwin Skidmore a Prisoner in Prince Georges County Goal, sent by John Ridout Esquire.

Adjourned until 10 °Clock Tomorrow Morning

Tuesday Morning December the 10.th 1765

U. H. J. Liber No. 36 Dec. 10

This House met according to Adjournment

Present as Yesterday

A Bill by Mess.rs Worthington and Hall entitled a Supplementary Act to the Act entitled an Act for Building a Church in St James's Parish in Ann Arundel County.

Read the first and second Time in the Lower House and will pass.

Read the first and second Time by especial Order in this House & will pass, so endorsed & sent by Benedict Calvert Esq.r

A Bill by Col Loyd and Mr Buchannan entitled an Act for erecting a new Parish in Kent County called Chester Parish and for building a Parish Church and a Chapel of Ease within the said new Parish.

Read the first and second Time in the Lower House and will pass.

Read the first and second Time in this House by especial Order & will pass so endorsed & sent by Col Hooper

Read the second Time the Bill entitled an Act to aid defective Common Recoveries will not pass.

Read the second Time the Bill for Trial of all Matters of Fact in the several Counties where they have arisen or shall arise and will not pass.

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning p. 249

Adjourned until 10 °Clock Tomorrow Morning

Wednesday Morning 11 December 1765 Dec. 11

This House met according to Adjournment

Present as Yesterday

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

His Excellency is pleased to communicate to this House the following Message

Gentlemen of the Upper House of Assembly.

I lay before you a Letter from Captain Brown Commander of his Majestys Sloop the Hawk, now riding at Anchor off this Place,

U. H. J. Liber No. 36 Dec. 11 whereby you will observe he informs me, that in Pursuance of Orders from Lord Colwill, he has brought hither a Parcel of the stamp'd Papers destined for this Province and desires to know how he is to dispose thereof As the gentlemen of the Lower House when I very lately desired to know what Answer they thought it would be proper for me to return to the Letter Captain Hawker had made to Me about this Paper told me that "it was not agreeable to the Sentiments of their Constituents that they should give me any Advice upon the Occasion," it would I apprehend be in vain for me to make any further Application to that House, but the Advice you then give me, leaves me no Doubt Gentlemen but you will favor me with your Sentiments on this Occasion, and I should be obliged to you for advising me how to act at the Time with Respect to the Paper mentioned in Captain Browns Letter.

Hor :° Sharpe

The 11.th December 1765

Benjamin Tasker Esquire presents the following Address to his Excellency

The humble Address of the Upper House of Assembly.

May it please your Excellency

In Answer to your Message of this Day, we beg leave to inform you, that we conceive it would be most advisable for Captain Brown to retain the stamp'd Paper on Board the Hawke Sloop of War, there being no Place of Security to lodge it in, and great Danger of its being destroyed if Landed.

11.th December 1765. Benjamin Tasker

Adjourned until 10 °Clock Tomorrow Morning

Dec. 12 Thursday Morning Dec.r 12.th 1765.

This House met according to Adjournment

Present as Yesterday

p. 250 Col Loyd & Mr Lee bring up the following engrossed Bills Read and assented to by the Lower House Viz.t

An Act continuing an Act entitled an Act for the Relief of such Persons as cannot find Surety for their Appearance to testify as a Witness against any Person arrested Accused or Prosecuted for any Criminal Offence

An Act continuing an Act entitled an Act to enable the several and respective County Clerks within the Province to remove some of the County Records and Papers from the Public Offices.

An Act continuing an Act entitled an Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the

Benefit of Clergy from certain Offenders, and a Supplementary Act to an Act entitled an Act to prevent the tumultuous Meetings of Negroes and other Slaves and directing the Manner of trying Slaves. U. H. J. Liber No. 36 Dec. 12

An Act continuing an Act entitled a Supplementary Act to an Act entitled an Act laying an Imposition on Negroes, and several Sorts of Liquors imported, and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province.

An Act continuing an Act entitled an Act to make the Testimony of Convicted Persons legal against Convicted Persons.

An Act continuing an Act entitled an Act for the more effectual Punishment of certain Offenders and for taking from them the Benefit of Clergy.

An Act continuing an Act entitled an additional and explanatory Act to the Act entitled an Act impowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes

An Act continuing an Act entitled an Act relating to Guardians and Orphans.

An Act continuing an Act entitled an Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors and Running Horse Races near the Yearly Meeting of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings

And also One other Act entitled an Act to amend & explain an Act entitled an Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors and running Horse Races near the yearly Meetings of the People called Quakers and to prevent the Tumultuous Concourse of Negroes and other Slaves during the said Meetings.

An Act continuing an Act entitled an Act to exempt Persons appearing at Musters from Arrests in Civil Cases.

An Act continuing an Act entitled an Act for Punishment of Horse-Stealers and other Offenders.

An Act continuing an Act entitled an Act for repairing the Public Roads in this Province and the Supplementary Act thereto. p. 251

An Act continuing an Act entitled an Additional Supplementary Act to the Act entitled an Act relating to Servants and Slaves.

A Supplementary Act to the Act entitled an Act for amending the Staple of Tobacco for preventing Frauds in his Majestys Customs and for the Limitation of Officers Fees.

An Act to enable the Visitors of Kent County School for the Time being to Lease out part of the Land belonging to said School.

A Supplementary Act to the Act entitled an Act for building a Church in S^t James's Parish in Ann Arundel County.

U. H. J. Liber No. 36 Dec. 12 An Act for erecting a new Parish in Kent County called Chester County [sic] [Parish] & for building a Parish Church and enlarging a Chapel of Ease within the said New Parish

These Bills read and assented to and ordered to be subscribed

The Paper Bills so endorsed sent down by Benedict Calvert Esq.r

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

The following Message along with the Journal of Accounts is brought by Mess.rs Murdoch and three more

By the Lower House of Assembly Dec.r 12th 1765

May it please Your Honours

We have taken into our Consideration your Message of the 9:th Ins.t by Benedict Calvert Esquire, as also the Report of the Committee appointed to examine the Proceedings of the Council, together with the Account of Particulars furnished by the late and present Clerk; and altho the Services done by the Clerks of the Council may merit some Salary, the Quantum of which we shall not undertake to ascertain; yet we are clearly of Opinion, that under the peculiar Circumstances of this Province, such Salary ought not to be inserted in the Journal, nor in any Manner paid by a further Tax upon the People we represent.

We are not ignorant, that the Governor is assisted in the Administration of Government with the Advice of a Privy-Council; and we do admit that an officer, for the Purposes you mention, may be expedient, but as such Officer is chiefly employed in Acts of Government, so he ought, in Justice, to be paid out of the monies taken from the People for the Support of Government Your Honours well know that the provincial Amerciaments, Fines arising by the common Law, and Forfeitures under Acts of Assembly of this Province, granting the same for Support of Government, amount Annually to a considerable Sum, and that under Colour of an Act of Assembly in the Year Seventeen hundred and ffour, there has been collected for many Years a Duty of One Shilling Sterling ꝑ Hogshead on all Tobacco exported out of this Province, to the Annual Account of near ffourteen hundred Pounds Sterling, which hath been received by the Lord Proprietary of this Province, and ought, agreeable to the express Directions of that Act to be applied towards the support of Government; And from anything we have ever been able to learn to the Contrary, there remains of those Monies unapplied to any Public Use, more than sufficient to make the late and present Clerk of the Council full Compensation for all their Services p. 252

U. H. J. Liber No. 36 Dec. 12

For these Reasons, we cannot agree to burthen the People with any Salary to the Clerk of the Council: And as the Journal is already swelled to a very large Amount, and the Discharge of the Public Debt, now many Years standing, is a Matter of Importance and greatly desired by the whole Province, and no Dispute remains but only the Salaries to the Clerks of the Council; and as the circulating a Sum of Money equal to the Public Debt would be of singular Advantage to the Community, and may well be done upon the Credit of the Treasure now belonging to the Province, we have again returned you the Journal and List of Debts incurred on Account of the late War, and are not without Hopes that your Honours will assent thereto as they now stand

Signed ℘ Order MMacnemara Cl: Lo: Ho:

Adjourned until 10 °Clock Tomorrow Morning

Friday Morning Dec.^r 13:^th 1765 Dec. 13

This House met according to Adjournment

Present as Yesterday

The following Bills by Mess.^rs Jacobs and Dye Viz.^t

A Bill entitled an Act for destroying Crows & Squirrels in particular Counties & of Red Foxes in Kent & Queen Anns Counties

A Bill entitled an Act to confirm a Lease made by Thomas Harrison of Baltimore County for part of a Lot of Land therein mentioned lying in Baltimore Town in said County to the Commissioners of the said Town and their Successors and to establish a Market in the s.^d Town & for the Regulation of the s^d Market.

A Bill entitled an Act to increase the Allowance of Jurors attending at Provincial & County Courts & for other Purposes therein mentioned.

These Bills Read the first and second Time in the Lower House & will pass.

Read the first & second Time by especial Order in this House & will pass. so endorced & sent by John Ridout Esq.^r

Adjourned until 3 °Clock in the Afternoon p. 253

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

A Bill by Mess.^rs Holliday and Wright entitled an Act for laying out a New and settling and ascertaining the future Bounds and Limits of S:^t Lukes, Christ Church and S^t Johns Parishes in Queen

U. H. J. Liber No. 36 Dec. 13 Anns County and of S^t^Pauls Parish lying partly in Queen Anne and partly in Talbot County

Read the first and second Time in the Lower House & will pass.

Read the first and second Time by especial Order in this House & will pass. so endorsed and sent by John Ridout Esquire.

The following Message is sent with the Journal of Accounts by Benedict Calvert Esquire.

By the Upper House of Assembly 13.^th^ Dec.^r^ 1765

Gentlemen

That the Question between us, concerning the Clerk of the Councils Salary may be brought to the single Point, upon which it really depends, we think it proper to state some Facts that cannot be controverted, and this Method is become the more proper, since it may tend to compose the Minds of the People, who having been imposed upon by the malignant Misrepresentations of factious Men, in whose Candour and Veracity they have too much confided, are extremely agitated.

In Pursuance of this Purpose, we lay down the following incontrovertible Facts,—That the Services performed by the Clerk of the Council, for which He has a Claim upon the Public; are in no Respect connected with the private Concerns of Lord Baltimore,—that they are of a general Nature relative to the whole Community,—that the Governor, by the Constitution of this Province, being assisted in the Administration of the Executive Powers of Government by the Advice of the Council, and it being expedient that there should be an Officer to give Notice to the Members of the Council, when their Attendance is requisite, to prepare the Mandates that occassionally issue to the Subordinate Ministers, and to record & preserve Memorial of the Proceedings in this Department, such Officer hath always existed in this Province, under the Appellation of Clerk, or Secretary, and is a necessary Constitutional Officer—That, in this Capacity, he hath been enjoynd to perform various Duties by many Acts of Assembly allotting for them no particular Rewards—that He hath always received a Satisfaction for His Services, in this Capacity to the Public in every Journal of Accounts that hath passed to the last inclusive—that M^r^ Ross Claims nothing but for Services done to the Public—Nothing but the Salary he & p. 254 his Predecessors in Office have always Claimed of, and been paid by the Public,—nothing but what all the Branches of the Legislature, concerned in regulating and assenting to all the former Journals, have thought his Services merited—that M^r^ Ross hath exhibited an Account of Duties actually performed by him in his Office of Clerk, and that it appears by his Account that, if the same Rule is admitted in Charging the Public, which is established by the Inspection Law in Matters of private Concern, the Expence of the actual Services done by him for the Public would considerably exceed the Amount of the Salary, tho in framing the Account some part of the Services performed by him are not included, because not reducible to this Kind of State,—All the above Facts are, we conceive, undeniable, and therefore ought not to be conceald by Reserve or obscured by Evasion, but, on the Contrary, ought to be candidly and explicitly admitted, that all Men may be fully informed upon a Subject, which hath become the more Important from the gross Deceptions which have been practised, and the Discontents they have excited, that they who have been injured by Aspersion may have their Character vindicated by a full Detection of the Falshood and Malice of it.

U. H. J.
Liber No. 36
Dec. 13

You are pleased to say that "the Services done by the Clerk of the Council may merit some Salary the Quantum of which you will not undertake to ascertaine" We wish you had delivered your Sentiments on this Head with more Precision that we might run no risque in our Construction of ambiguous Expressions, of mistaking your real Meaning. May we presume to understand your meaning to be, that he does merit some Salary by his Services? but "you will not undertake to ascertain the Quantum" Shall we presume that you do not dispute the Quantum proposed by our Amendment. the Quantum always heretofore allowed? A Demand hath been made upon the Public, and the Amount of that Demand hath been expressly ascertained—we thought it to be just, and proposed the Insertion of it in the Journal. You do not deny that the whole ought to be paid, and we infer therefore that you tacitly admit the Clerk of the Council ought, in Justice & Equity, to be paid for his Services to the Public, by the Public, and that only the Mode of Payment is to be disussed and settled.

You farther observe that "under the peculiar Circumstances of this Province, the Clerks Salary ought not to be inserted in the Journal, nor in any Manner paid by a further Tax upon the People you represent" What these peculiar Circumstances are, you have not explained, and we are really at a Loss to ascertain; there is now a large Sum of Money subject to the Application of the general Assembly, there is also a large Public Debt due from the Province, which including Mr Ross's Claim may be discharged by the Money, in our Treasury, without any additional new Tax upon the People, the Situation of the People is such, that the Failure of the Journal must involve very many in great Distress, These, we presume, are not the peculiar Circumstances you mean, if they are, they appear to us to apply most powerfully in favour of the old Establishments, by presenting to the View the indubitable Mischiefs that must arise from your persevering in the Purpose of deviating from them, if they are not, we shall not venture to conjecture what the peculiar Circumstances are to which you allude.

p. 255

U. H. J. Liber No. 36 Dec. 13

Our Amendment proposes a Satisfaction to M^r^ Ross in the usual Manner, your Message imports that he ought to be paid out of the Monies hitherto appropriated to other Purposes. In support of our Opinion we shall proceed to apply, as succinctly as we can, some of the Facts that have been stated, and the Reasoning we have founded thereon, and then answer your Proposition respecting the Manner, in which the Clerk of the Council now, and in future, ought to be paid for his Services to the Public. We take it to be agreed, that the Clerk ought to be satisfied one way or other out of the Public Money, that a Salary is the most convenient Satisfaction, and that the Salary of Nine Thound Six hundred Pounds of Tobacco or Sixty Pounds Currency ℔ Annum is a moderate Allowance: so far our Sentiments coincide with the Sense of all former Assemblys, deducible from the incontestible Fact that, the Clerk of the Council, hath always received a Salary in every Journal of Accounts that hath passed, from the Revolution to this Time, not to mention the more liberal Income he received before that Æra, from Fees and Perquisites, when the Council exercised, under a different Idea of Polity, a more extensive Jurisdiction than we Claim or wish to have: Entertaining the same Principles, and influenced by the same Motives of Justice and Equity, with our respective Predecessors, who have composed the Legislature of this Province from the happy Æra of the Restoration of English Liberties, we conceive, that no Variation from the numerous Precedents, continued without Interuption for so many Years, and established in so many successive Instances of Confirmation, by their most deliberate Acts, ought to take Place, unless the Precedents have been experienced to be inconvenient, or can be clearly proved to be Oppressive. The Use of Precedents must be perceived, when the Inconveniencies of Contention, which flow from a Disregard of Them, are considered, and especially when they are severely felt. When we reflect, that the Intercourse and Privileges of the Members of Political Bodies, the Measures of Justice in Contests of private Property, the Prerogatives of Government, and the Rights of the People are regulated by them.

There is moreover a Reverence due to antient Establishments, adopted & confirmed by subsequent uniform Usage, and a Modesty to be observed in opposing the Sentiments of Those, who have occupied the stations we are now placed in, with at least an equal Reputation of Ability, Integrity, and Vigilance for the Public Good.

Considering the state of the incontrovertible Facts, and the Sanction arising from them, we must be acquitted of all sinister Designs to extort, in the present Conjecture, any Concessions from the Representatives of the People Derogatory from the Rights of their Constituents, there not being the least Colour of a Pretence for any Suggestions, that, availing our selves of the Distresses of the Public Creditors, and the Difficulties the People in general will be involved in from the Want of the Money now locked up from the Common Use, we aim at an Advantage which would not be attempted at another Crisis. U. H. J. Liber No. 36 Dec. 13

The first Instance, which occurs to us, of any Dispute between the two Houses on the Subject of the Clerk of the Council's Salary, happened in May Session 1756, when the last Journal, which passed was under Consideration of the Assembly, and the Proceedings of the p. 256 Lower House then shew, that on considering a Message from the Upper House, insisting the usual Allowance of his Salary should be made to the Clerk of the Council on the Journal, a Question was put in the Lower House "whether the Members would agree to make the usual Allowance to the Clerk of the Council as by the said Message was proposed, or not" and determined that the usual Allowance should be made to the Clerk of the Council; however when the Journal was returned to our House, it was attended with a Message containing a Passage in the following Words, "We herewith send you the Journal of Accounts, in which is inserted an Allowance to Mr Ross Clerk of the Council, for public Services by him done, and have resolved that for the future no such Allowance shall be made, but upon having a particular Account laid before us by Mr Ross for public Services by him done for this Province, we shall allow what appears to us reasonable." Expecting that in Conformity with this Resolve, a Request, would, this Session be made of an Account, and being particularly desirous at this Time, when a Disagreement between the two Houses would prove extremely detrimental to the whole Province, to manifest our Disposition to preserve a good Understanding with your House, by giving you all the Satisfaction, which we imagined you might desire, we directed Mr Ross and the present Clerk, every early in this Session, to make out an Acco.t of their Services to the Public, and appointed a Committee to examine and compare it with the Council Proceedings, that, if it was really your View, as we hoped it was, to form an Estimate of the Degree of Satisfaction M.r Ross & the present Clerk might be entitled to for their Services, and your Intention to settle his Claim, the Dispute might be easily terminated between us; this Account, together with the Report of our Committee, we communicated to you as soon as an Account was requested, tho it Comprehends Articles beyond the Duties performed under the Injunction of Acts of Assembly, and your Message, narrowing the Principles adopted by the Lower House of 1756, on which we flattered ourselves you would have proceeded, and agreed to pay the Clerks for their Public Services, seemed to intimate a Design of paying them only for some of their Services, the first Step taken in this Controversy, in the Year 1756, implied an Ignorance of the services done by Mr Ross for the Public, but fully expressed a Resolution to allow him for all such, if appearing by a particular Account. After the Clerks had exhibited their Ac-

U. H. J. Liber No. 36 Dec 13 counts, and the Committee made their Report, we did not affect to conceal what appeared from them, and we have Reason to believe, that what did appear from them, was pretty generally known, before your second Step was taken, in sending us a Message, "requiring a particular Account of the Charges of the Clerk's for Services performed by Virtue of the Laws of this Province" The Accounts have been laid before you, and we have finally your Determination not only not to allow Him, in the Journal for all, but not even to allow Him for any of His services to the Public; and why therefore the Account was called for, we shall not undertake to Surmise, but p. 257 it can't be directly denied that M.^r Ross is entitled to the same Equity and Justice with other Claimants on the Public; and therefore that some Method should be fallen upon to compensate his Services. But the usual Method, and the Application of Money in our Power not being agreeable, you have intimated that he may be paid out of the Monies received by Lord Baltimore for the Support of Government, of which you suppose there remains a Sum, unapplied to any Public Use, more than sufficient to make the Clerks of the Council a full Compensation of all their Services, and which, without Doubt, you expect will be applied as you propose, for if, in Equity M^r Ross ought to be paid by the Public for his Services to the Public, a Proposition for his Satisfaction, you expect to be ineffectual would be as little consistent with Justice, as an absolute Denial of it. Wherefore, we are willing to hope that if on a more mature Reflexion it should appear to you, that there are no reasonable grounds to expect your proposed Application will take Place, you will recur to the old Method, and make the Clerk the usual Allowance in the usual manner. What the Annual Revenue from Fines, and Forfeitures, and the one Shilling ℔ Hogshead received in Virtue of a perpetual Act of Assembly laying that Duty on Tobacco for the support of Government may amount to, we can form no Guess, nor do we know, or believe that there remains unapplied to the Uses for which They were given, any of the Monies which constitute that Revenue. The Exposition of Contemporary Practice, as well as of uniform subsequent Usage, opposes your present Attempt, for we have the most conclusive Proof that They who gave the Duty upon Tobacco and Forfeitures, as well as all successive Assembly's to this Time, did not mean or imagine that the Clerk was to be paid out of the Monies arising from them, since it is undeniable, that the Clerk of the Council hath always been provided for by a Salary, which hath been invariably allowed in the Journal; and we moreover insist, that the Provincial Amerciaments are, by the express Terms of a positive Law, subject to the Application of the Governor and Council only, that Lord Baltimore is the sole Judge in what Manner the Monies he receives, as Proprietary and Hereditary Governor of this Province, for the Support of Government, ought to be applied to that

U. H. J. Liber No. 36 Dec. 13

Purpose, and that your Denial of doing Justice to a Servant of the Public, by the Application of Monies, over which you have a Power with the Concurrence of other Branches of the Legislature, and undertaking with this Refusal to point out the Application of Money, which is independant of you, is effectually setting up a Claim unauthorized by the Laws and Constitution of this Province, as well as contrary to all Precedents. If, upon a more mature Consideration of the Subject, you should really, and seriously think, that the Clerk of the Council ought not to be paid in the usual Manner, and an Application of any Part of the revenue given for the Support of Government ought to be made for his Satisfaction, we have now to offer to you a new Method for the settling the Justice and Propriety of your new Proposition. We will agree to the Passage of a Law, for raising, or applying a Sum of Money for the Support of an Agent for each House of Assembly, who may be forthwith instructed to lay the Subject Matter of our Controversy before his Majesty in Council, and to obtain as speedy a Decision thereon as may be consistent with the usual Forms of Proceeding in such Cases, and that the People may not have Reason to complain of their being kept out of their Claims, We further propose that all the Public Creditors be immediately satisfied except the Members of the two Houses and the Clerk of the Council, who may wait 'till a Decision of the Question shall be notified to us. p. 258

And now, Gentlemen, we think it behooves, in the most explicit Manner, to declare to you, that if you, should remain inflexible, and reject the Expedient we have offered for terminating the unhappy Misunderstanding which hath already given a deep Wound to the Credit, Peace, and Order of this Province, We, on our Part, shall ever think Ourselves bound by all the Tyes of Justice and Honour to support the Claim of the Clerk of the Council, and if nothing will satisfy you but our Sacrificing a Servant of the Public, who in our Judgment and Conscience, is most justly entitled to a Compensation from the Public for his Services, tho we shall be most sensibly affected with the Distress of the Public Creditors, and indeed of the whole Province from the Miscarriage of the Journal, yet we shall desire great Consolation from the Reflexion, that we have exerted all just and reasonable Means for promoting its Passage, and preventing the general Mischief of its Failure.

Signed ꝑ Order Upton Scott Cl: Up Ho:

Adjourned until 10 °Clock Tomorrow Morning

Saturday Morning 14 December 1765 Dec. 14

This House met according to Adjournment
Present as Yesterday & Col Hammond

U. H. J. Liber No. 36 Dec. 14 The following Bills by Mess.rs Worthington and Hammond Viz.t

A Bill entitled an Act for the speedy and effectual Publication of the Laws of this Province, and the Encouragement of Jonas Green of the City of Annapolis Printer.

Read the first and second Time in the Lower House and will pass

Read the first & second Time by especial Order in this House & will pass so endorsed and sent by John Ridout Esquire.

A Bill entitled an Act for Raising 4 Pence Sterling for every Hogshead of Tobacco exported out of this Province for the Support of an Agent in London for the Service of this Province.

Read the first & second Time in the Lower House & will pass.

Mess.rs Lee and Hall bring up the following engrossed Bill read and assented to in the Lower House Viz.t

An Act to confirm a Lease made by Thomas Harrison of Baltimore County for part of a Lot of Land therein mentioned lying in Baltimore Town in sd County to the Commissioners of sd Town & their Successors & to establish a Market in s.d Town and for Regulating of said Market.

p. 259 An Act to increase the Allowance of Jurors attending the Provincial & County Courts and for other Purposes therein mentioned.

An Act for destroying Crows & Squirrels in particular Counties and of Red Foxes in Kent and Queen Anns Counties.

These Bills read and assented to in the Lower House and ordered to be so subscribed

The Paper Bills so endorsed sent by John Ridout Esquire.

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Adjourned until 10 °Clock on Monday Morn.g

Dec. 16 Monday Morning Dec..r 16..th 1765

This House met according to Adjournment

Present

The Honourable Benj:n Tasker } Daniel Dulany } Esquires
Col Charles Hammond } John Ridout }

Read the first & second Time by especial Order the Bill entitled an Act for Raising four Pence Sterling for every Hogshead of Tobacco exported out of this Province for the Support of Agent at

London for the Service of this Province and will not pass—sent by John Ridout Esq.ʳ along with the following Message Viz.ᵗ U. H. J. Liber No. 36 Dec. 16

By the Upper House of Assembly Decem..ʳ 16..ᵗʰ 1765

Gentlemen.

We should very willingly concur with you in the Enaction of a Law for the Appointment of an Agent, at the general Expence, upon Terms agreeable to Equity, and Consistent with the Principles of our Constitution, but we do not conceive, that the Bill we have returned with a Negative is entitled to that Character.

According to our System of Laws, there is a co-ordinate Qualification of the Electors and their Delegates, & this, in respect of Property, being appropriated to no Species, and requiring but a very moderate Share. There are but few Freemen excluded from the Capacity of electing or being elected; but tho this Right is so diffusive in this View, other Considerations arising from the Frame of our Constitution, and the Fitness in preserving an Analogy between this, and the Constitution of England have restricted it, and therefore the Members of the Upper House, composing a distinct Order, and in that having a Check upon the Lower in the Introduction of all new and general Regulations, are disabled from electing, or being elected the Delegates of the People, but since their Consent is requisite to give Life and Vigour to all general Regulations, this their Disability is no more productive of Insecurity to their political Rights or private Properties, than the Exclusion of the Delegates of the People from p. 260 sitting in the Upper House is repugnant to theirs. Each Order is, in this Respect, politically divided from the other, each has a Power to Controul and check the other, and in this a Barrier, not only to defend itself, is furnished to each, as a Political Body, but also an equal Opportunity of consulting and providing for the general Interest and Welfare of the Province, in which the Members of the Two Houses, as Individuals of the same Society, are equally concerned.

It would, without Doubt, be expected that the Agent should deem it to be his Duty to observe the Directions of his Principals, & that they would give him his Dismission should he venture to act by the Guidance of any other Rule; It would, too, be expected, or the Expence of his Support had better been spared that in Consequence of the Appointment of an Agent, some Measures or Regulations of general Concernment to the Province reaching all Individuals without Distinction, would take Place, and that the beneficial or disadvantageous Effects of these Measures or Regulations would depend upon their Wisdom and Prudence who should plan or direct them. In the Wisdom and Prudence of your House your Electors have reposed great Confidence, but they alone would not be involved in the Consequence of your Measures, which must equally extend to us who are

U. H. J. Liber No. 36 Dec. 16 Members of a distinct Branch of the Legislature, by whom you are as little entrusted as we are by our Constituents, and whom none of your Measures can constitutionally bind without our actual Consent and Approbation, a Law therefore imposing a Tax upon all exported Tobacco, and thereby drawing a Contribution from the Property of the Members of the Upper House, vesting the Sole Power, without any Participation of any other Branch of the Legislature, in your House of applying the Revenue arising from the Tax in which Manner and to whatever Purpose you should think proper without Controul or Account, would be an Innovation incompatible with the Spirit of Equity and of our Constitution, by depriving us of the Right we have to be consulted in the Application of our Property, and in the Introduction of all new Regulations which may in any Respect affect us or our Posterity, and instead of leaving us the Check and Defence we now have against every injurious Attempt, by sinking us even below the Level of the lowest qualified Freeholder or Mechanic. If the End for which you are desirous to support an Agent, is the Benefit of every Order and Rank among us, why should we be excluded from the Nomination of Him or the Consideration of the Propriety or Inexpediency of the Measures which may be proposed for the Accomplishment of it? If the End should be such that a Contrariety of Opinion, and an opposition consequent upon it, may be naturally expected, your End is what we should object to if declared, and would it be equitable that you should be furnished with all the Means to enforce your Pretentions, and that we should be deprived of the Means to defend ours? If any material Alteration of your Constitution of Government is your View, would you wish it to take Place unless it might redound to the Welfare of your Country? May you not be mistaken in your Sentiments on this Head, & is it not for the common Interest that the Subject may be fully discussed and that all who may be affected in the Settlement may be equally and fairly heard? Why we have dissented to the Bill you sent us, as the Preamble of it expresses "for supporting an Agent resident in London for managing the p. 261 Affairs and taking Care of the Interests of the People here and making Application to our Gracious Sovereign the Parlement, or the Lord Proprietary as the Case may require" we have already declared, & the Reasons we have given in Support of this Dissent will explain our Motives in making the following Propositions.

We propose that One Agent may be appointed by the two Houses, and the Revenues to arise from the Tax upon Tobacco may be subject to their joint Application. should not this Proposition be agreeable, we propose that each House may have an Agent, & a Sum of Money in their Power applicable to his Support and further, if you please that an Account of their respective Application of the said Monies be exchanged Annually between the two Houses and presented to the Publick View.

If you will frame a Bill correspondent with either of the above Propositions, it will receive our Chearful Assent U. H. J. Liber No. 36 Dec. 16

Signed ꝑ Order Upton Scott Cl: Up Ho:

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

Mess.rs Holliday & Ware bring up the following engrossed Bills read & assented by the Lower House Viz.t

An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragem.t of Jonas Green of the City of Annapolis Printer.

An Act for the laying out a new & the settling & ascertaining the future Bounds and Limits of St Lukes, Christ Church, and St Johns Parishes in Queen Anns County & St Pauls Parish lying partly in Queen Ann's and partly in Talbot Counties.

Read and assented to in this House and ordered to be so subscribed.

The Paper Bills so subscribed sent by John Ridout Esquire

Adjourned until 10 °Clock Tomorrow Morning

Tuesday Morning 17th December 1765 Dec. 17

This House met according to Adjournment

Present as Yesterday except Col Hammond

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

The following Account was laid before this House by the Gentlemen appointed to meet the Committees of the different Provinces of America in October last at New York

An Account of the Disposition of the £500 granted by Ordinance and received of the Treasurer of the Western Shore by William Murdock Esquire, Edward Tilghman and Thomas Ringgold. p. 262

	£ S D
To Cash paid the whole Expences of the Committee to New York and back again	138..14.. 1
To Cash paid Express to N: York to give Notice of Our Coming	15.. 0.. 0
To Cash paid Express to send a Copy of our Proceedings to the Speaker of Virginia	1..10.. 0

U. H. J.
Liber No. 36
Dec. 17

	£ S D
To paid for a Bill of Exchange to remit to Charles Garth Esqr with the Address and Petitions, £150 Sterling at 65 ꝑ Cent	247..10.. 0
Cash remaining in Hand 127 Pistoles at 18/8 to be returned to the Treasurer	172.. 7.. 8
	£575.. 1.. 9

	s	£ S D
By Cash received of the Treasurer in Gold £500 at 5/6 ꝑ dw..t as follows		
409 Spanish Pistoles	at 27/	532.. 3.. 0
5 half Johannas	at 57..6	14.. 7.. 6
4 French Pistoles	at 26..6	5.. 6.. 0
1 Moydore		2.. 3.. 6
1 half ditto		1.. 1.. 9
		£575.. 1.. 9

Errors excepted ꝑ
William Murdock
E.. Tilghman
Th: Ringgold

p. 263 Message by Mess..rs Worthington and Graham.

By the Lower House of Assembly 17..th Dec:r 1765.

May it please your Honours.

In Answer to your Message of the 13th Ins.t, we are truly sorry that the People have been imposed upon by the malignant Misrepresentations of Factious Men, in whose Candour and Veracity they have too much confided, [*This lengthy Message beginning thus is printed in full in the Lower House Journal pp. 235-249. It is immediately followed by an account showing the monies claimed by the Upper House to be due to its clerk by the Province when serving as clerk of the Council*]

[*The following account of the Clerk of the Council as modified by the Lower House was sent with the above message to the Upper House; see page 249*]

p. 275

		Lb Tobacco
The late & present Clerk of the Council's Acco.t as rendered by them from May 1756 to the 31..st October 1765 inclusive Amounts to		102,743½
Out of which make the following Deductions Viz:t		
For sundry Charges relating to the War	42,585	
For Inspectors Commissions	30,600	
For 150 Days Attendance which should not have been Charged because the Services done under the Attendance were particularly Charged	9,600	

U. H. J.
Liber No. 36
Dec. 17

		Lb Tobacco
For Petitions and Orders on Acco.^{t} of private Men	526	
For Recording an Indenture between the Lord Baltimore and Cæcilius Calvert of the One Part & the Honourable Thomas Bennett and William Sharpe of the other Part, Settlement of the Province of Maryland	270	
	83,581	83,581
Remains for Public Services arising from ordinary Occurrencies exclusive of the War Matters		19,162

19,162^{lb} Tobacco arising due in 9½ Years is ꝑ Annum	2,016
Supposing there is allowed for making out 20 Warrants to Inspectors ꝑ Year 18^{lb} of Tobacco each tho He is not required by the Law to do it, & tho they dont contain quite 2 sides of 105 Words to the Side & are only Printed Blanks 48 of which cost 6 Shillings to the Printer	360
And as much more for receiving the Returns of Nomination of Inspectors from the Vestrys, and laying them before the Governor each Year	360
Supposing he is paid for the Naval Officers Bonds & lodging them in his Office for each Bond as much as is allowed for a Search, which is 15^{lb} of Tobacco if there was One every Year received of which perhaps there is not more than One in 4 Years it will be	15
Supposing he is allowed 15^{lb} of Tobacco for receiving each Levy List tho he is not directed by Law to do it, it would come to 210	210
	2,961

The whole Annual Amount in Time of Peace according to the above State & under the Inspection Law	2,961
Before the Inspection Law, would be only	2,241

John Ross Esquire Clerk of the Council to the Province of Maryland p. 276

1765 D^{r}	Lb Tobacco
To Tobacco received of the Public from the year 1729 'till 1756 inclusive at 9,600^{lb} of Tobacco ꝑ Year it being 28 Years	268,800

U. H. J.
Liber No. 36
Dec. 17

	[Lb Tobacco]
To over Charged for Proclamations dated May 27 1756 to notify Clauses in the £40,000 Act the same being Printed & already paid for by the Public	7,696
To Ditto 35 Copies of Proclamations of War sent to the several Counties dated April 28:th 1762, 50 being Charged & but 15 ought to be Charged	4,496
	280,992

C..r

By Services done to the Public Communibus Annis (in Time of Peace or exclusive of mere War Matters) ꝑ his Account from 1729 to 1740	42,579
By Ditto from 1748 to 1765, 17 Years since the Inspection Law took place at 2,961	50,337
By his Account for Services merely respecting the War	42,585
	135,501
Deduct out of This 6 ꝑ Cent for Sheriffs Collection which every Officer Pays for Private Charges as he puts his Account on that Footing Whereas he has always his Salary Clear of Collection	8,130
	127,371
Balance due to the Province	153,621
	280,992

N. B. If it should be objected that there has been another War before this, whilst Mr Ross was Clerk in which there might be a great Increase of Service, it is answered that the Seat of that War, not being on this Continent, not much public Business arose here from it & as a great Part of 19,162 arises from frequent Proclamations to call & prorogue the Assembly during the War and arising therefrom tho' they are not considered as such it makes the Yearly Amount supposed much more than it otherwise would be & will fully make up for that Objection.

p. 277 This House adjourned until 10 °Clock tomorrow Morning

Dec. 18 Wednesday Morning 18..th Decem..r 1765

This House met according to Adjournment

Present as Yesterday

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

U. H. J. Liber No. 36 Dec. 18

This House met according to Adjournment

Present as in the Morning

Adjourned until 10 °Clock tomorrow Morning

Thursday Morning December 19..th 1765

Dec. 19

This House met according to Adjournment

Present as Yesterday

The following Message is sent by John Ridout Esquire [to the Lower House].

By the Upper House of Assembly 19:th December 1765

Gentlemen,

The general Question between us is whether the Clerk of the Council for his Services to the Public shall be allowed in the Journal the Annual Salary, of Nine Thousand Six hundred Pounds of Tobacco, payable at the Rate of Twelve Shillings and Six Pence ꝑ Cent, hitherto always Claimed of & paid by the Public, in every former Journal regulated and assented to by all the Branches of the Legislature, or whether he shall be allowed nothing in the Journal for his Services to the Public?

We apprehend, for the Reasons communicated to you in a former Message, that he ought to receive the whole Salary claimed by him, and are now to consider the Force of those Arguments you have thought proper to urge in Support of your Opinion, that he ought to be allowed no Part of it in the depending Journal. That we may not lose Sight of the Object of our Enquiry, or be diverted by incidental Examinations, from that Attention which the Rise and present State of the Controversy require, we think it necessary to premise explicitly with what View the Clerk's Account was drawn up, before we consider with what Propriety you have taken minute Exceptions to particular Articles in it And by what Reasoning you attempt to maintain your Objections. Having considered the Clerk of the Council to be a necessary constitutional Officer & his Services in this Capacity to be of a general and Public Nature, which you admit in your Manner by not denying, we conceived that every One would without Hesitation admit that he ought to be paid by the Public for the Services he had performed, tho the Reasonableness of his established Salary might not be so obvious to those who were not so well apprised as we were of the Duties of his Office and therefore as the Message sent from the Lower House in the Year 1756 informed the Upper House "that tho the usual Allowance was made to Mr Ross in the Journal at that Time, yet they had resolved for the

U. H. J. Liber No. 36 Dec. 19 p. 278

Future no such Allowances should be made. But upon having a particular Account from M^r^ Ross for public Services by him done for this Province they would allow what should appear to them to be reasonable" And as we expected an Account would be required this Session according to the Resolve signified in the Message referred to, we directed the Clerk to prepare it conceiveing that if upon a View of the Account the Duties performed by Him would appear there could not be any Dispute about his Payment.

The Construction we put upon this Resolve was, that the usual Allowance in the Journal would be made in Future if on the Exhibition of a particular Account the public Services done by the Clerk of the Council appeared to deserve it. We did not nor have we yet any Reason to infer from any Expressions in the Message or Resolve referred to, that the Manner of Payment would be litigated. In Directing therefore the Account to be prepared there was no Intention to support any Claim beyond the usual Salary if in forming it there should appear to be a larger Sum from the Articles than the Amount of the Salary or if on the other Hand the Articles admissibble of precise Charges should fall short of the Salary to reduce it, if upon a Consideration of the other Services not reducible to this Kind of State the Clerk should appear upon the Whole to deserve of the Public the usual Salary.

The giving Notice to the Members of the Council when their Attendance is requisite, the Returns & Custody of Papers in which the Public are concerned and the Obligation he is under of a strict Attendance are so many Services that ought to be considered in forming an Estimate of a suitable Salary to a Gentleman (for of that Rank he is & ought to be) who is appointed to the Office of Clerk of the Council. Wherefore if your superiour Penetration had enabled you to discover as many Errors in the Account, you have taken so much Pains to reduce, as would have brought the whole Sum of all the Articles below the Salary, you would not have established any Conclusion against the Justice of it. Your ingenious Insinuation, that Part of our Message was framed before the Report of our Committee, wants the Foundation of Fact & will probably appear so to your selves, when you consider more sedately with what View the Account was sent to you and of what Articles it consists.

The first Article is that of 270^lb^ of Tobacco for Recording an Indenture of Settlement of the Province between Lord Baltimore and others, upon which you ask in a subsequent Part of your Message with what Justice can he Charge the Recording Proprietary Settlements? As you only mean to state the Subject of our Dispute fairly and Candidly, you will easily forgive us when we remark that the Article you object to does not justify the Implication of your Question.

U. H. J. Liber No. 36 Dec. 19

The single Settlement recorded by the Clerk is in our Opinion a Matter of a very general and public Concern respecting the Titles of many People, and was properly recorded that they might be apprised of the State of them wherefore the service in recording it may be truly called a Public Service. Lord Baltimores Name having been mentioned the Circumstance seems to have been eagerly catched at tho we hope now it is explained it will give very little Countenance to the Misrepresentation we hinted at in our Message, and to which p. 279 it seems you are Strangers, that the Clerk's of the Council's Claim arises from Services relative to his Lordships private Concerns. What those sundry Charges amounting to 526^{lb} of Tobacco on Petitions of private Persons are, you have not pointed out, & therefore afford us no Opportunity to consider your Objection. The Charge for Inspectors Commissions falls next under your Animadversion and you ask under what Rule in the Inspection Law with Regard to Matters of private Concern can that Charge be supported? and by subjoining that if the Rule of 9 pounds of Tobacco by the side was to be adopted, these Warrants would not come to 18^{lb} of Tobacco each, you may acutely shew what Manner it cant be justified; but there being another Rule, which tho more obvious, you have happened to overlook, we must beg your Attention to that for your Satisfaction & the Clerks Justification. As the Clerk of the Council was called upon to frame an Account; the Rule he observed, and the only One he could observe, was that which is established by the Inspection Law in private Cases of the nearest Resemblance, By that Act, there is a Fee given for Recording by the Side, but there is a Fee likewise given for any Commission or other Commission prepared by the Clerk to pass the broad Seal if a Place of Profit, and also for every Rangers, Coroners, Surveyors Commission, or other Commission of Profit 150^{lb} of Tobacco.

Now in making out the Commission of an Inspector, the same Charge is made to the Public, as any private Person must have paid if appointed Coroner, Ranger, Surveyor &c, or to any other Place of Profit. You now perceive, that in preparing Commissions the Clerk of the Council does not, by the Inspection Law, charge private Persons by the Side, but the sum of 150^{lb} of Tobacco, without regard to the Number of Sides contained in the Commission, and this Rule he persued in Charging the Public for Inspectors Commissions. If there is any Reason for a Distinction between a Commission and a Warrant, we do not know, nor can we discover it from your short Parenthesis

What the Sentiments of the Legislators who framed the Inspection Law, could they be discovered, would be, are by no Means proved by the Circumstances you mention, tho we can easily admit, that they might not expect this Charge would ever have been made by the Clerk of the Council, because they allowed his whole Claim

U. H. J. Liber No. 36 Dec. 19 without any Scruple, and therefore did not most probably, foresee he would ever be called upon to state a particular Account, and for that Purpose, be obliged to adopt a Rule they had established in a private Concern. Your next Exception is to the Clerks Attendance ꝑ Diem, which as we understand it, amounts to this, that there is a Charge for Attendance & Services done on the same Day, and therefore, that either the Attendance or the particular Service ought not to be Charged. Your Objection proceeds from a palpable Error; when the Clerk attends, he takes, for the most part, only Minutes of what is to be done, & from these he afterwards draws up in Form, & for the subsequent Draught his Charge is made. Part of the Sum of 7448^{lb} of Tobacco mentioned in the Report of our Committee, and to which you Object, we find, upon a more accurate p. 280 Examination, ought not have been Charged. It was omitted by M^{r} Ross, and the Gentlemen of the Committee were easily led into the Mistake, by supposing it had happened in this as well as in other Instances, that the Clerk had made out a Proclamation for each County as usual, and by being uninformed that, by Order of the Governor, the Proclamations had been Printed by M^{r} Green. The Charge ought to have been only 1818^{lb} of Tobacco, so that there is an Excess of 6630^{lb} of Tobacco, the Sum of 1818 arises as follows Viz.^{t}

	Lb Tobacco
Proclamations for Training the Militia & keeping their Arms in Order 2 Sides Recorded and 15 Times issued..	288
Proclamation publishing certain Clauses of the £40,000 Law concerning the Collection of Duties which were to take Place sooner than it was apprehended the Laws could be published 3¼ sides Recorded & issued 15 Times.	468
Recording the Clauses annexed to these Proclamations 59 Sides	531
Making out a Copy for the Printer..................	531
	1818

But this Excess being deducted, still the Charge for Services done, exceeds the salary, so that it is not material on the Question whether the salary ought to be allowed? The Charge of 1762 April 20:th 50 Copies of his Majesties Declaration with Proclamations of War sent to the several Counties 714 Sides 6426^{lb} of Tobacco is right, but we confess you might easily apprehend it to be wrong, upon the supposition, that only one Proclamation issued to each County as is usual in other Cases, however the Fact is, that the Proclamations issued to the Officers of the Militia and of the Cus-

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toms, which in this Instance were proper, and 50 Proclamations were actually issued according to the Article of Charge. If you are since the Perusal of our Message, at a Loss why we took it to be agreed that a salary to the Clerk is the most Convenient Satisfaction, and that the salary of 9,600^{lb} of Tobacco or 60 Pounds Currency ꝑ Annum is a moderate Allowance, it is not in our Power to explain that Matter more fully. When you allowed the Clerk might merit some Salary for his Services, and did not propose or recommend any other Method of Recompense and tho you would not undertake to ascertain that Salary, yet as you did not object to it except in Respect of the Manner of the Payment, what other reasonable Inferrence could we make? what less offensive? would it have better pleased you to have given your Message in this Particular the Epithet Evasive? If you thought it an useless Consideration what Kind or Measure of Recompense the Clerk merited, why was his Account required? was it required because there was any Doubt whether it would be exhibited? or was it merely to satisfy an unprofitable Curiosity?

If the Stress we have laid on the Account, has prompted or provoked your Strictures, we have little Reason to repent of having taken that Step, since in the full Discussion of the Subject of our p. 281 Controversy, it will undeniably appear to every Sensible and impartial Man, that we are only contending for the Allowance of a Claim, which the Obligations of Justice and a Regard to the Public Faith have called upon us to support, & this we shall always firmly do, whether it may or may not entitle us to Popular Applause, often, very often bestowed upon those who the least, & withheld from those who the most deserve it. We have considered the salary as a very moderate Allowance, and tho', by the Accumulation of many Years Arrears, you seem solicitous to present it to the Public View as a grievous Oppression, yet in Fact the Annual Salary would not at this Time, and much less in the future Increase of the People, Amount to One Farthing Current Money ꝑ Poll. We have little Satisfaction from the Account you are pleased to annex, for other Reasons than the very obliging One of consulting our Ease, and we must be so plain as to tell you, that if the Discovery of Truth or the Establishment of Justice were your real as much as your declared View, you would not endeavour to give an Impression by an Account founded on the most egregious Disregard of Facts, a Method of Deception the most likely to ensnare the Inattentive, and we can't but observe, that your stating the Account from M^r Ross's Appointment to the Office of Clerk of the Council, & charging Him for what he has received beyond your Ideas of a Quantum Meruit to a Constitutional Officer Altho All he received he had an indubitable Right to under express and positive Laws, enacted by as prudent & able Legislators as yourselves is but an indifferent Specimen of that

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Candour & Impartiality you profess, and not very consistent with that Respect you allow them to have been entitled to.

You have been so far from supporting your Deductions, that they have been clearly evinced to be against Facts, except in the Instance wherein a Mistake is admitted by us, and if you were probably Right in some of them, the Question between us is not influenced thereby, since on the Account stated for the View already explained the Sum exceeds M^r Ross's Claim for his Salary to the Amount of 12,343$\frac{1}{4}^{lb}$ of Tobacco, and therefore if any Charge equal to, or even beyond the Excess should be admitted to be improper, his Claim, which is only of his accustomed Salary, for all Services as well those that are as those that are not included in the Account would not be affected.

By restraining the general Expressions of the Message in 1756 sent hither with the Journal you would endeavour to shew your Conduct to be consistent with the ultimate Sense of that House but a short Examination will discover with how little Success. When the Upper House observed that M^r Ross's Salary was omitted in the Journal they expressed themselves "That they were the more surprized at this Omission, as the Lower House could not but know there were several Laws in Force which require many services to be done by him as Clerk of the Council" And the Lower House catching at a particular Expression (a Practice too Common in this p. 282 Kind of Controversy,) & evading the Reasoning in which the Expression stood, answered that "as the Upper House said there were several Laws in Force which required many Services to be done by the Clerk, when his Account for such Services should be laid before them, it should be examined & every reasonable Allowance made, but to make Allowances for Services Annually performed in Compliance with the Laws, without any Account, was a Method of dealing out the Peoples Money they could never come into." To this the Answer of the Upper House was very short and determinate, and the Question being put in the Lower House, whether M^r Ross should be allowed as usual, it was decided affirmatively and a Message sent with the Journal to notify their Assent to M.^{r} Ross's Claim, and the general Resolve above recited. When the Upper House expressed their Surprize on Account of the Circumstance that "the Clerk was obliged by several Laws in Force to perform many Services" their obvious Meaning was, that the Framers of those Laws must have considered the Clerk of the Council as a Constitutional Officer, with the Appointment of a Salary, Otherwise they would not have been so unjust as to enjoin him to perform any particular Duties without giving him particular Rewards, and after the Lower House had catched at the Expression made use of by the Upper, and endeavoured to give it a Turn very different from the Real Meaning of it, but found the Upper House determined to

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support the Clerks Claim, then the Lower House came to the general Resolution which they communicated to the Upper, importing in the clearest and most general Terms "that they would allow the Clerk of the Council for all the public Services he should perform, upon their appearing by the Exhibition of an Account" tho your Construction is extremely far fetched & indefensible on any rational Principle, yet are we not surprized that the Success of it should be hazarded, for in Reality, you have nothing but that Pretence, weak as it is, to excuse or palliate your Conduct in Violating the Faith of a former Lower House, Mr Ross hath always been paid a salary by the Public, and when the Allowance was brought to a Determination in 1756, a Compliance in future with the Resolve of the Lower House "that an Account should be exhibited" was by them made the Terms on which he was afterwards to be entitled to a Recompence, & it was natural for him to expect that he should certainly be paid if his Account of Public Services whether required of him by any particular Law or in the Course of his Duty as a Constitutional Officer, would shew him to be reasonably entitled to his usual Allowance, and therefore if there were Reasons for not allowing a Salary to the present Clerk, hereafter, much more conclusive than any you have offered, considering what was the Conduct of the Lower House in 1756 and their honourable Obligation arising from it, we conceive that it is in no Respect justifiable to reject M..r Ross's Claim at this Time. p. 283

A Private Gentleman, who should refuse to allow an old Servant a Claim founded as Mr Ross's is, would have very little Reason to expect that the World should applaud him for his Prudence. And we do not conceive, that in the Conduct of Public Business, Public Credit may be supported without paying a due Regard to the Principles of Equity and Honour by which every private Gentleman of Reputation holds himself to be bound. But in your present Rage against Precedents perhaps the Reason why we consider the Proceedings of 1756, to be Obligatory, may induce you to think they ought to be slighted, for your general Argument on this Head is that no Precedent ought to be regarded, and the Opinion you have advanced from the Encouragement of some supposed former Successes attending perseverance is no less than this, that Perseverance may accomplish every Purpose.

What may have been the Sentiments of the Writer you mention on the subject of Precedents, or how he applied them to his Purpose, is of very little Consequence. We do not contend that Precedents urged in the Support of a plainly injurious Measure ought to be relied upon

Our Words are "We conceive that no Variation from the numerous Precedents, continued without Interruption for so many Years; and established in so many successive Instances of Confirmation by

U. H. J. Liber No. 36 Dec. 19 the most deliberate Acts of our Legislature ought to take Place, unless the precedents have been experienced to be inconvenient, or can be clearly proved to be Oppressive. The Use of Precedents must be perceived when the Inconveniencies of Contention which flow from a Disregard of Them are considered, and especially when they are severely felt. When we reflect that the Intercourse and Privileges of Members of political Bodies, the Measures of Justice in Contests of private Property, the Prerogatives of Government, and the Rights of the People are regulated by them. There is moreover a Reverence due to antient Establishments, adopted by subsequent uniform Usage, and a Modesty to be observed in opposing the sentiments of Those, who have occupied the Stations we are now placed in, with at least an equal Reputation of Ability, Integrity and Vigilance for the Public Good."

You do not examine our Reasoning, or expressly deny the Principle of it, but you would confront it by the Passage you have quoted, with how much Propriety or for what Use, we leave to their Determination, who may have the Curiosity to make the Collation To argue from the Abuse of a Thing against all use of it, is a Method of Reasoning not likely to have much Influence in convincing, to whatever other Purpose it may subserve, and without entering into a minute Consideration, by what Means the Resolution, or the other important Events you have celebrated with it, have been brought about in Struggles for Justice & Liberty, Subjects on which there would not be a perfect Coincidence of our Opinion, we
p. 284 cant help remarking that your Conclusion from such Premisses against the ridiculous Annual Farthing-Tax, to support the salary of the Clerk of the Council, is rather too ludicrous. The Terms Struggles for Liberty you have without Doubt a Right to use, but when applied to the very little Affair of the Clerk's Salary, Words expressive of a less important Dispute would be more proper. The Precedents we cited, were the deliberate & voluntary Acts of Sensible Honest and Freemen, on a Subject they well understood, and if such ought to be of no Weight, we confess ourselves to be mistaken. Why M^{r} Ross did not make his Claim, or whether the Practice hath or hath not prevailed of making it as you mention, we are not informed but by M.^{r} Ross's Declaration, that it never was the Practice, but it is observable that He did not put in his Claim for making out Journals as Clerk of the Upper House which hath however been allowed without Dispute, and as it can't be imagined he intented to give that up there seemed to be very little Reason for your Inferrence from his Omission with respect to his Claim as Clerk of the Council.

What you have observed in Reference to our Proposition for appointing an Agent or Agents for both Houses doth not in this Place require a particular Answer, because in our Message with your Agent Bill we have at large explained upon what Principles we are equally with yourselves entitled to One. And we refer to that Message for a clear Reputation of your Objection to our Proposal. The Case you have put to shew that our Proposal was unreasonable, may impose upon those who have not been accustomed to examine Matters of an extensive and complicated political Nature, but they who can penetrate deeper into the Subject will perceive a variety of Circumstances which ought to be maturely considered and which your short familiar Case doth not include. Wee should think that the Case might more properly be stated in this Manner. Two Men are concerned in a Joint Stock, and have a Difference of Opinion about their respective Rights, is it not just that each should be heard in settling their respective Pretentions, & equally just that if the One requires part of the common Property to support his Claims, the other should be allowed to apply an adequate part of it in his Defence? We do not say that our Case suggests a proper Idea of the Question, because there is a peculiar Complication of Circumstances arising from various political Rights which can't be comprehended in these short Illustrations. Our View we most sincerely declare in proposing the Expedient of an Agent, was to bring to a final Determination all our little Differences that these Occasions of Jealousy & of the Obstruction of the Public Business might be extinguished, and we conceive, that the Expence of maintaining Agents for this Purpose two or three Years would be amply compensated by the beneficial Consequence of having so many Bars to the Institution of useful Regulations removed, & we are unfeignedly sorry that the proposed Expedient hath been rejected upon such Pretences as do not evince that serious Regard for the Welfare and Prosperity of the Province, we expected you would on so fair an Opportunity have shewn & which would have repressed all petulant Salies of a ludicrous Humour & an Affectation of Wit which at best seems only to have consisted in some very feeble Effusion. Consistently with your candid design of giving a full & impartial Information to the Public, we presume the Bill you framed for the appointment of an Agent, will be published in Order to its being seen that, conscious of the Purity of your own Intentions, you have not had the least difficulty in trusting yourselves with a large Annual Sum of Public Money, for which you would be liable to no Account, and which you might apply to what Uses and Purposes you should think fit, for tho', in the Title & Preamble, you speak of the Appointment of an Agent, none of the enacting Clauses restrict you to that Application of the Money. And if in the Extent of your Enquiries, you can (we Speak not of Times of Turbulence and Faction) find any Instance of a like Power being asked by & vested in a British House of Commons on any Occasion, you will explain it, that none may suspect your having been actuated by any Other, than the

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U. H. J. Liber No. 36 Dec. 19 most laudible Motives. Your Claim to an Allowance is indubitably a just One, and the Proposition we made proceeded not from any Opinion that you are not entitled to the legal Satisfaction of it, had the Journal passed without Mr Ross's Allowance, it would have been an effectual & irrevocable Rejection of it. The usual Manner of paying it was in the Journal with your Allowance, and as we apprehend that His & Yours ought to have been paid together, we proposed that they should still go together, and tho we did not think that other Claims were more just than his or yours, yet out of Tenderness to the Distresses of many of the Public Creditors, who had done nothing to obstruct the Passage of the Journal, we signified our Consent that they should be paid immediately, and you must in general approve of our Tenderness, tho' you may not so easily forgive an Expedient, which did not regard your Convenience, with so much Favor as it did theirs. Considering all the Claims to be just we objected to any Distinction between them, when it did not appear to be necessary for the Relief of the Distressed; but since we find that the Passage of the Journal this Session hath become desperate, we are now willing to pass your Bill for the Payment of the Expences incurred on Account of the late War, and hope you will not alter your Opinion of the peculiar Hardships of the Claimants, and of the Compassion they are entitled to, because we are desirous that they may be immediately satisfied.

If our Answer to your Message is rather desultary, the Want of Method in yours, which may be justly imputed to the Straitness of the Time in which these Matters are composed, and the same Reason subsisting in our Case, as well as the Difficulty in turning to old Journals, on a sudden Occasion, will excuse it.

The Allowance Claimed by the Council, and by their Clerk stood p. 286 upon different Grounds, the former were provided for by an express Law, and the latter upon the same Principal that the Allowance to the Clerks of the two Houses and their Committees. When the Provision made for the Members of the Council by Act of Assembly ceased, then the Practice began of giving them Allowances in the Journal, for their Attendance, it was what the Council thought they were in Equity entitled to, and what the Lower House in the Year 1736, agreed they should receive after that Time, but this Agreement tho accompanied with the plainest Assurances not being established by a positive Law, was afterwards held not to be binding, and after many Contests & on Consideration of the Inconvenience arising from them, the Council consented that no Claim of Allowance on their Behalf should any longer obstruct the Payment of any other Public Creditors; but tho they gave up their own Claim, they firmly asserted the Right of their Clerk, and the Lower House admitted it. Besides that, the Attendance of any Member of the Council is not so strictly requisite as to interfere with his other

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Affairs, his Acting in an honorary Office, and having a Share in the Government, evidently distinguish his Case from that of a Clerk, who could have no other Inducement, than the Gains of it to desire an Appointment. In 1753, the Proceeding of 1736 were referred to, & upon Inspection we find that the Allowance of the Members of the Council was controverted, yet no Objection to the Clerks Salary was intimated, so that your Inferrence that they were considered in the same Light is not admissible. As to the Occurrences in 1750, 1751, and 1752, this general Remark may be applied to all of them, that there were other Claims not inserted in the Journal as well as the Clerk's, which have been always since admitted, & are inserted in the present Journal, and, after all, the Fact turns out to be incontrovertible, that the Clerk of the Council's salary hath always been allowed in every Journal that hath received the Assent of the Legislature to this Time.

Your Message of the 17:th Instant, coming to us in the Evening, and the Reading of it not having been finished 'till about 8 °Clock in the Night, we have not Time to discuss so fully as the Nature of the Subject requires, the Topics relative to the 12d ꝑ Hogshead Tonnage &c, and especially as your Impatience, for Reasons we admit to be very pressing, and are extremely sorry have occurred, is so very excusable.

We conceive that Lord Baltimore is clearly entitled to the 12d ꝑ Hogshead, without being liable to render any Account of his Application of the Revenue arising therefrom, because by a perpetual Act now in full Force, that Impost is given for the Support of Government. We apprehend the Law to be perpetual, because the Time of its Duration is unlimited, as well as the Subject of it, and that his Lordship is entitled to receive the Revenue, because he is Hereditary Governor, and that as well the Meaning of the Terms "Support of Government" as the Construction always put upon them, whilst the Government of this Province was administered by Governors appointed immediately by the Crown, shew, that the Revenue belonged to the Governor without rendering an Account any particular Application, The Kings Governor, Mr Copely, received Money p. 287 granted for the Support of Government, by a Law which passed while Lord Baltimore administered it.

We conceive that when Grants have been made for the Support of Government without any further Explanation, the Terms have been always understood to mean the Support of the Governor, and therefore your Imagination that the Clerk ought to be paid out of it is without Foundation, and that Contemporary Exposition, as well as uniform subsequent Usage, is a clear Answer to your Objection. During the Time the Government was administered by a Governor appointed by King William, no Account was ever rendered or called for in Referrence to the Application of Monies generally granted

U. H. J. Liber No. 36 Dec. 19 for the Support of Government, a Circumstance, which, without Doubt, will have particular Weight with you, who appear to be so well satisfied, that Glorious Prince would not have suffered any Misapplication of Public Monies. The Queries which you have been pleased to put are answered by what we have observed.

We urged it as a conclusive Argument that the Clerk of the Council never was intended to be paid out of the Monies granted for the support of Government because from the first Settlement of this Province to the last Journal that passed, he had always been provided for in another Manner and in order to elude the force of this Proof, you alledge that the several Revenue Bills which passed between the Year 1704, and Lord Baltimore receiving the 12d ꝑ Hogshead prove the Expiration of the Act of 1704 as properly as the constant Allowance of the Clerks Salary in the Journal doth, that it was not intended to provide for him out of the Monies granted for the support of Government. We perceive Nothing like a Conclusion in this Part of your Message, but lest we should have overlooked what might be discovered on a closer Examination, it may be proper to observe, that in Consideration that the Temporary Revenue Laws from 1715 to 1733, you allude to provided an higher Revenue than the Act of 1704 in Consequence of the Enlargement of Tobacco Hogsheads the Act of 1704 was during that Period suspended; but these Temporary Acts having expired the Suspension of the perpetual Act of 1704 ceased, and therefore since the Removal of the Suspension the Act resuming its original Operation, the Duty hath been always received under it to this Time.

A regular Deduction & Detail from the first Settlement of this Province of the Revenues supccessively granted for support of Government and the Application of them the present Occasion will not admit of, but if the Dispute of the 12d ꝑ Hogshead should hereafter be revived, We shall be ready to lay before you what occurred to us on that Enquiry. Why you should insist that the Tonnage should be deemed Public Money Subject to Account we cannot Conceive.

p. 288 The Tonnage is expressly granted "to Lord Baltimore and his Heirs or Person by them impowered to receive it" and not a Syllable said about the Support of Government or any other Use and this Matter having been expressly decided in his Lordships Favor before his Majesty in Council in the year 1692, If that Determination will not give you Satisfaction, it would be to little Purpose to refer any Dispute to the same Authority. Before that Determination there was an express Order of his Majesties Council in 1690, That the Tonnage should be answered to Lord Baltimore as Proprietary of the Province & an Instruction to Governor Copely, the Kings Governor here, to permit Lord Baltimore or his Agents to receive it without any Interruption, and in Consequence of the above De-

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cision, an Act which had been passed in this Province to affect his Lordships Right was dissented to by the Crown, and the Royal Order given that his Lordship or his Agents should receive it, without Disturbance. What you have said or can say on this Head surely can have very little Effect towards invalidating his Lordships Right to the 14^{d} ꝑ Ton, but it may not be amiss to inform you that your Argument, from the Circumstance of the Payment of the Tonnage being made in Powder & Shot to prove it to be a Fort Duty would have very little Weight if the Matter were not absolutely settled by the Determination we have referr'd to, because an Alternative is given by the Act to make the Payment in Powder and Shot or in Money, and that when the Tonange Act passed Powder and Shot were made use of as a Kind of Money in this Province as appears by the Assembly Proceedings in the Year 1666 & because too, the original fair Record Book now in the Council Office expressly mentions it to be Port Duty, whatever Opinion may have been taken up to the Contrary, which it would be unnecessary as well as disagreeable to account for.

What you have said concerning the Amerciaments we shall answer by citing the Act of Assembly "All Persons whatsoever except Executors and Administrators that are cast in any Cause, be they Plantiff or Defendant shall be amerced in the Provincial Court 50^{lb} of Tobacco to be employed as the Governor & Council shall think fit."

Now we do presume to say, that we in Conjunction with his Excellency, can apply the Amerciaments in what Manner we please, and that no One has any Right to call for or examine into Our Application of them, and if the Words of the Act do not prove it, then Nothing can be proved, for a clearer Medium of Proof can't be imagined. The Fines & Forfeitures belong, as we apprehend, to Lord Baltimore for the Reasons above applied in Respect of the 12^{d} ꝑ Hogshead, and now Gentlemen to put an End to this tedious Message, we must repeat it to you that the Clerk of the Council being a necessary Constitutional Officer ought to be paid by the Public, for his Services to the Public, that it is an incontrovertible Fact he hath always been paid a salary by the Public, in all the Journals that have passed since the Revolution, and more liberally p. 289 before that Paid, that M^{r} Ross Claims no more than He and his Predecessors in Office have always received, that the services done by him are of a Public Nature, and not merely relative to the private Concerns of Lord Baltimore, that you have received what ought to be, satisfactory Proof that he merits his whole Claim, and that as he ought to be paid by the Public, so he ought to be paid in the Journal, because that has been the usual Method of Payment, and you can't point out any other Means of his Satisfaction, and that we think Ourselves bound by all the Tyes of Honor,

U. H. J. Liber No. 36 Dec. 19 and of Duty to support the Claim of the Clerk of the Council to his usual salary, because we are persuaded that it is founded upon the clearest Principles of Justice & Equity, as well as confirmed by the Authority of Numerous, uninterrupted, reasonable, and the most explicit Precedents.

Signed ꝑ Order Upton Scott : Cl Up : Ho :

Ordered that the Clerk of this House receive the same Fees on all private Bills passed this Session as are allowed by the Lower House to their Clerk.

A Bill by Mess..[rs] Bealle and Hall entitled an Act for limiting the Time for sinking the Paper Bills of Credit now Current in this Province and for other Purposes therein mentioned.

Read the first & second Time in the Lower House & will pass.

Read the first & second Time by especial Order in this House & will pass. so endorsed & sent by Daniel Dulany Esquire.

Daniel Dulany and John Ridout Esquires are sent to the Lower House to acquaint the Speaker that his Excellency requires his immediate Attendance with the Lower House to see the Bills passed both Houses this Session receive the Assent.

The Lower House attend & by their Speaker present to his Excellency the following Bills Viz.[t]

A Supplementary Act to the Act entitled an Act relating to the Standard of English Weights and Measures.

An Act for the further Enlargement of Baltimore Town in Baltimore County.

A Supplementary Act to the Act entitled an Act ascertaining what Damages shall be allowed on Protested Bills of Exchange.

An Act to enable the Justices of S[t] Mary's County Court to assess & levy on the Taxable Inhabitants of S[t] Andrews Parish, a Quantity of Tobacco for building a Church & for other Purposes therein mentioned.

p. 290 An Act to enable the Justices of S[t] Marys County Court to assess and levy on the Taxable Inhabitants of All Faiths Parish a Quantity of Tobacco and for other Purposes therein mentioned.

An Act for the Benefit of the Poor & Encouragement of Industry.

An Act for the building a Vestry House at S[t] Pauls Church in Kent County.

An Act to aid and revive the Proceedings of Cæcil County Court.

An Act to impower Mary Covington Administratrix of Philip Covington late of Somerset County deceased, to sell & dispose of the Lands of the said Philip, & for other Purposes therein mentioned.

An Act to prevent the Mischiefs arising from the Multiplicity of useless Dogs, and other Purposes therein mentioned. U. H. J. Liber No. 36 Dec. 19

An Act for the Relief of certain languishing Prisoners in the several Goals therein mentioned.

A Supplementary Act to the Act entitled an Act for the Limitation of certain Actions for avoiding suits at Law.

An Act to Vest the Title of and in certain Lands in John Hammond Esquire, and for other Purposes therein mentioned.

An Act to establish a Road from Hunting Creek in Dorchester to Dover in Talbot County.

An Act continuing an Act entitled an Act for the Relief of such Persons as cannot find Surety for their Appearance to testifie as a Witness ag.[t] any Person Arrested, or Prosecuted for any Criminal Matter.

An Act continuing an Act entitled an Act to enable the several & respective County Clerks within this Province to remove some of the County Records and Papers from the Public Offices.

An Act continuing an Act entitled an Act for the More effectual Punishment of Negroes, and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; And a Supplementary Act to An Act entitled an Act to prevent the tumultuous Meeting & other Irregularities of Negroes & other Slaves & for directing the Manner of trying Slaves.

An Act continuing an Act entitled a Supplementary Act to an Act entitled an Act laying an Imposition on Negroes & several Sorts of Liquors imported, and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province.

An Act continuing an Act entitled an Act to make the Testimoney of convicted Persons legal against Convicted Persons.

An Act continuing an Act entitled an Act for the more effectual Punishment of certain Offenders & for taking from them the Benefit of Clergy.

An Act cont.[g] an Act Ent.[d] an additional & explanatory Act to the Act entitled an Act empowering the Commiss:[rs] of the County Courts to levy & raise Tobacco to defray the necessary Charges of their Counties & Parishes.

An Act continuing an Act entitled an Act relating to Guardians & Orphans. p. 291

An Act continuing an Act entitled an Act to prevent certain Evils & Inconveniencies attending the Sale of strong Liquors & running Horse Races near the Yearly Meetings of the People called Quakers & to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings and also One other Act entitled an Act to amend and explain an Act entitled an Act to prevent certain Evils &

U. H. J. Liber No. 36 Dec. 19 Inconveniencies attending the Sale of strong Liquors & Running of Horse Races near the Yearly Meetings of the People called Quakers and to prevent the Tumultuous Concourse of Negroes and other Slaves during the said Meetings.

An Act continuing an Act entitled an Act to exempt Persons appearing at Musters from Arrests in Civil Cases.

An Act continuing an Act entitled an Act for the Punishment of Horse Stealers & other Offenders.

An Act continuing an Act entitled an Act for repairing the Public Roads in this Province, & the Supplementary Act thereto.

An Act continuing an Act entitled an additional Supplementary Act to the Act entitled an Act relating to Servants and Slaves.

A Supplementary Act to the Act entitled an Act for amending the Staple of Tobacco for preventing Frauds in his Majestys Customs & for the Limitation of Officers Fees.

An Act to enable the Visitors of Kent County School for the Time being to Lease out part of the Land belonging to the said School.

A Supplementary Act to the Act entitled an Act for building a Church in S^{t} James Parish in Ann Arundel County.

An Act for erecting a new Parish in Kent County called Chester Parish & for building a Parish Church & enlarging a Chapel of Ease within the said new Parish.

An Act to encrease the Allowance of Jurors attending the Provincial & County Courts & for other Purposes therein mentioned.

An Act to confirm a Lease made by Thomas Harrison of Baltimore County for Part of a Lot of Land therein mentioned lying in Baltimore Town in said County to the Commissioners of the said Town & their Successors & to establish a Market in the said Town & for the Regulation of the said Market.

An Act for destroying Crows & Squirrels in particular Counties and of Red Foxes in Kent and Queen Anns Counties

An Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer.

An Act for laying out a new and settling and ascertaining the future Bounds and Limits of S^{t} Lukes, Christ Church, and S^{t} Johns Parishes in Queen Ann's County, and of S^{t} Pauls Parish lying partly in Queen Anns and partly in Talbot County

p. 292 All which his Excellency passed into Laws in the Usual Form by Sealing them with the Right Honourable the Lord Proprietary his Great Seal at Arms & subscribing them on Behalf of the R^{t} Hon$\bar{o}$ble the Lord Proprietary of this Province I will This be a Law.

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridem

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This House met according to Adjournment

Present as in the Morning and M^r^ Calvert

Adjourned until 10 °Clock tomorrow Morning

Friday Morning Decem.:^r^ 20..^th^ 1765

Dec. 20

This House met according to Adjournment

Present as Yesterday

Adjourned until 3 °Clock in the Afternoon

Eodem Die post Meridiem

This House met according to Adjournment

Present as in the Morning

A Message by Mess:^rs^ Graham and Dye with the Governors Message of the 8..^th^ November & Murrays Letter.

By the Lower House of Assembly 20 Decem.^r^ 1765.

May it please your Honours,

This House having taken into Consideration the Case of the unhappy Sufferers by the Fire in Montreal in May last did resolve that they would contribute a Sum of Money for their Relief; but a Difference in Opinion having arisen among us about the Quantum of the Sum it would be proper to apply to that Purpose, having respect to our own Circumstances and the heavy Debt with which the Country is now burthened, we have resolved to refer the Consideration of that Matter to the next Session of Assembly and herewith return your Honours the Papers you sent us relative to that Subject.

Signed ℘ Order MMacnemara Cl Lo Ho:

The Engrossed Bill by the same Gentleman entitled an Act for limiting the Time for sinking the Paper Bills of Credit now Current in this Province & other Purposes therein mentioned.

Read & assented to by the Lower House.

Read and assented to in this House & ordered to be so subscribed.

The Paper Bills so endorsed sent by Daniel Dulany Esquire.

A Bill by the same Gentleman entitled an Act to enable the Commissioners or Trustees of the Loan Office to purchase stationary Ware for the Use of the Upper and Lower Houses of Assembly.

Read the first and second Time in the Lower House and will pass

Read the first and second Time by especial Order in this House and will pass. so endorsed and sent by Benedict Calvert Esquire.

U. H. J. Liber No. 36 Dec. 20 p. 293

Read and referred to the Consideration of the Lower House the Petition of Geo: Mathews of Baltimore County sent by Daniel Dulany Esquire.

The Engrossed Bill by Mess..rs Bealle and Smith for the Purchase of Stationary Ware Read and assented to.

Read and assented to by this House and ordered to be so subscribed.

The Paper Bill so endorsed sent by Benedict Calvert Esquire.

Benedict Calvert & Daniel Dulany Esqrs sent to the Lower House to acquaint the Speaker that his Excellency requires his immediate Attendance with the Lower House to see the Bills passed both Houses this Session receive the Assent.

The Lower House attend, and by their Speaker present to his Excellency the followg Bills Viz.t

An Act for limiting the Time for sinking the Paper Bills of Credit now Current in this Province and other Purposes therein mentioned.

An Act to enable the Commissioners or Trustees of the Loan Office to purchase Stationary Ware for the Use of the Upper and Lower Houses of Assembly.

Which his Excellency passed into Laws in the usual Form by Sealing them with the Lord Proprietarys Great Seal at Arms and subscribing them on Behalf of the Right Honōble the Lord Proprietary of this Province I will This be a Law, after which his Excellency was pleased to conclude this Session with the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly.

I have thought fit with the Advice of his Lordships Council of State to prorogue this Assembly to the first Monday in March next you are therefore to take Notice that you are prorogued to that Day accordingly.

Thus ends this Session of Assembly begun and held at the City of Annapolis on Friday the first Day of Novem.r and ending the 20..th Day of December following, in the Fifteenth Year of his Lordships Dominion and in the sixth Year of his Majestys Reign Anno Domini 1765.

Upton Scott Cl: Up: Ho.

[*The following account of the claims against the Province by the clerk of the Upper House, when acting as clerk of the Council, was sent by the Upper House to the Lower House on December 9, 1765, with the Upper House committee report of that date. See page 216. Why it was not inserted in the journal of the Upper House for that date instead of at the end of the journal of that session is not disclosed.*]

Copy of the Clerk of the Council's Account Referred to in the Message of the Upper House of the 9..th of December, 1765. [p. 51]

U. H. J.
Liber No. 36
p. 294

COUNCIL PROCEEDINGS FROM 10th MAY 1756 TO THE 12th NOVEM.^{r} 1764.

		Lbs Tobacco
1756		
May 22^{d}	Recording Petitions of Freeholders of Calvert, Charles and Ann Arundel Counties complain^{g} of Oppressions and other Matters relative thereto 18¾ Sides.........	171
25 & 27	Proclamations directing the Training of the Militia and keeping the Arms in good Order, and Proclamations to notify Clauses in the £40,000 Law. 64 Sides...	576
	Issuing said Proclamations.............	576
Aug..st 11.	Kings Proclamations of War, and publishing same 13 Sides & 14 Proclamations	1638
23d	An Answer to the Board of Trade, & a Copy of a Letter sent Home 36 Sides...	324
	A Letter to Col Hall of Baltimore 4 Sides..	36
25	A Letter from H. Fox, Ditto from Lord Loudoun, Ditto from H Fox Ditto from L^{d} Halifax Ditto from Lord Baltimore 31¼ Sides & Proclamations to call Assembly	576
30	L:^{d} Loudouns Lett.^{r} & an Ord.^{r} to Col Hall & Belt 10 Sides, & Proclamations to call Assembly	108
	Issuing said Proclamations 15 Times.....	135
Octo^{r} 6.	Recording a Report to the Justices of Assize 2 Sides	18
9	Order to Henry Wall & Clerk of the Councils Fees for Militia Commissions......	37
Nov.^{r} 13	Examination of William Johnson d.^{o} for William Johnson & an Order to the Sheriff of Baltimore to apprehend several ....90 Sides......	810
29	Taking the Examination of John Creton, William Johnson, Darby Toole Thomas Burgen, James M:^{c}Donald Bennet Neale the Recantation & Confession of William Marshall al.^{s} Johnson..72 sd^{s}......	648
	Recording the same..................	648

U. H. J. Liber No. 36	1757			[Lbs. Tobacco]
	Jan.,	4th 10,,th	Proclamations to call the Assembly to ....24 January..	135
		24	Ditto to prorogue Ditto...to..25 Ditto..	13
		25	Ditto to D°.............to..26 Ditto..	13
		26	Ditto to D°.............to..27 Ditto..	13
		27	Ditto to D°.............to..28 Ditto..	13
		28	Ditto to Ditto to 10.th of March 15 Times..	135
	March	9.	Recording a Letter from the Board of Trade and Order for an Embargo 4½ Sides	40
		30.th	Proclamations to prorogue the Assembly to the 5th of April.....................	135
p. 295	April	5	Proclamations to prorogue the Assembly to the 6..th April.......................	13
		6	Ditto........Ditto....ditto to 7th April..	13
		7	Ditto........D°......D° to 8th Ditto...	13
		8	14 Sides Minutes of the Proceedings at the Congress in Philadelphia at the Request of Lord Loudoun..................	126
		19	2 Sides S.t Pauls Parish in Baltimore Petition	18
			26 Ditto Minutes of the Proceedings respecting the Exportation of Grain to St Augustine	234
		29	59 Sides taking Cherokees Message & Answer thereto	531
			Recording the same..................	531
			25 Days Attendance this Year...........	1600
				9877
	May	10.th	Recording Petition of D.l Wolstenholme on Behalf of Charles Kelby for leave to be given to Edmond Rutland to Sail for Carolina and Order thereon 4 Sides.....	36
			Recording Petition of the Grand Jury of Kent County against the Irregularities of some of the Officers & Men in the 44,,th Regiment of Foot 10½ Sides Copied & sent to Lord Loudoun................	189
			Recording the Representation relating to Roman Catholic Schoolmasters 6 Sides & 54 Orders sent to the Magistrates of the several Counties requiring the said Masters to take the Oaths to the Government in Pursuance thereof 7 Sides......	117

			[Lbs. Tobacco]	U. H. J. Liber No. 36
May	14	Recording a Letter from M,^{r} Pitt and Lord Loudoun to enlist Men and two Letters to the Commanding Officer of the Militia in Baltimore and Frederic to Muster the Militia 18¼ Sides & 14 Proclamations to the several Counties 9 Sides..........	245¼	
	18	Alexander & Andrew Symmers Petition for Leave for Snow Alex.^{r} to Sail for Dublin and Order thereon 5 Sides............	45	
	25	Petition of J: Ensor for Leave for H: Costin to Sail, and Order 5 Sides.......	45	
	27	Petition of J: Wallace for G: Watts to Sail for Leverpool, and Certif.^{te} from T: Johnson D.^{t} Naval Officer & from John Davidson Collector, & Order 8 Sides	72	
June	1.st	Directions to discontinue the Embargo 5 Sides	45	
	12	Recording a Lett^{r} from Lord Holdernesse & John Pownall Esq,^{r} to take off Embargo. Lett^{r} from John Hearding, J. Cole, N Andrews & James Hamilton Order Pardon for James Nicholson & Alex^{r} Calder Lett^{r} from Carlisle for Rich^{d} Smith & General Stanwix & Copy of Cherokees Speech at Fort Loudoun for a Present & Order thereupon 26 Sides & 42 Proclamations for a Fast to the several Parishes in this Province.............	1268	
June	18.th	Recording a Letter from Col Dagworthy, James Livingston & Col Washington....	99	p. 296
	27.	Recording an Order to take of the Embargo 5 Sides.....................	45	
July	30	Proclamations to prorogue the Assembly to the 30.th Sep.^{r}....................	135	
		Recording the Petition of John Vezey Nich.^{s} Hyland and others for a Pardon for Conrad Resieur a soldier & Order accordingly 2 Sides..................	18	
Aug.^{t}	17	Recording Governor Dennys Letter, Archb^{d} Kenedys, G. Christies and G: Bartmans relating to Fort William Henry, & Lett^{r} from James Dollancee of New York 16½ Sides	148½	
		Order to five Colonels of the Militia to call half of the militia of their Counties and to enquire what Arms can be produced 5 Sides	45	

U. H. J.
Liber No. 36

				[Lbs. Tobacco]
	Aug.t	17	14 Proclamations to take up Deserters 14 Sides	126
			15 Ditto to dissolve the Assembly	135
		22d	Recording a Letter from M.r Pitt and Admiral Holbourne 7 Sides	63
	Nov.r	1.	Ditto a Letter about Rewards to be given to the Indians for Scalps 10 Sides	90
	Dec.r	24	Proclamations to prorogue the Assembly to the 17..th January	135
	1758			
	Jan.y	13.th	Ditto to D.o to the 24..th	13
		18	Ditto to Ditto to the 6..th February	135
		25	Recording a Letter from Lord Loudoun the Representations of the Cecil County Justices against Bayard & Vesey & an Information relating to Papists	193½
	Feb.y	22d	Governor & Councils Lett.r to the Justices of the several County Courts relating to Behaviour of Papists since last Order 28 Sides	252
		24	Recording Col Cresaps Petition, James Lanes [Leanes ?], Richard Lanes, Friend Cox's and Others, about leaving their Settlements at the Old Town 315 Sides	2835
		d.o	Copied & sent to the President of Virginia	2835
			Recording Lord Loudouns Letter to raise Men, Copied & sent the Assembly 27 Sides	243
	March	9.th	Recording Peter Browns Letter, Col Rich.d Loyds, Benjamin Hands Letter to ditto about Marching to the Frontiers, Letter to Col Loyd and Capt Brown, & to Col Vezey 22½ Sides	202½
		15	Recording M.r Pitts Letter appointing General Abercromby 3 Sides	27
			Ditto Richard Loyds Lett.r about Captain Browns Men 11 Sides	99
		21.	Ditto Letter from General Abercromby to lay an Embargo & ordered accordingly 11 Sides	99
		23	Proclamation to prorogue the Assembly to 24th March	13
		24	Ditto to Ditto to 27 Ditto	13
		27	Ditto to Ditto to 28.th March	13
p. 297	Mar.	28/30.th	Treaty with the Indians 24 Sides	216

U. H. J. Liber No. 36

			[Lbs. Tobacco]
April	4	Recording the same	216
	11	Christies Petition for Sloop Betsy to Sail, from Potowmac to Virginia, the Petition of John Hall of Baltimore praying Leave for Sloop James to be cleared to Virginia 3 Sides each	54
March	31	Recording John Ecclestons Petition praying Leave to have a Post Entry for some Tobacco in the Ship Cunliffe ordered accordingly 3 Sides	27
April	15	William Thornton, G: Cato and others complaining of the Behaviour of C: Bayard & Vezey, and Letters from them & the Report of the Council thereupon 15 Sides	135
	21.	24 Sides of Minutes of several Proceedings of Indians from Fort Cumberland in Relation to Cap^{n} Pearis, M^{r} Blair President of Virginia his Letters on that Subject	216
May	1.st	M^{r} Browns Certific^{te} of his Return to M^{r} Justice Ringgold & Clerks Lett^{r} to M^{r} Ringgold 8 Sides	72
	8	21 Sides Proceedings between M^{r} Brown and M^{r} Justice Ringgold	189
	11	Tho^{s} Ringgolds Lett.^{r} praying the Schooner Chester may be cleared for Virginia ord^{d} accordl^{y} 2 Sides	18
		35 Days Attendance this Year	2240
			13,357¾

	16.th	Recording a Lett^{r} from Gen.^{l} Abercromby to take off Embargo 7½ Sides	67½
	29	Ditto a Lett^{r} from General Forbes requiring Arms, & Order to the Armourer 2 Sides	18
	29	Proclamations to prorogue Assembly to 24th July	135
July	5,,th	Ditto to Ditto to 29 August	135
Aug^{t}	7,,th	Recording a Lett^{r} from the Governor from Fort Frederick to B: Tasker Esq^{r} desiring Captain Broom & Butler to march to the Frontiers and another Company from Cecil & Calvert to March thither 4 Sides	36
	21.	Recording a Lett^{r} from the Governor to B: Tasker from Frederic County & from Gen.^{l} Forbes about paying the Provincial Troops, and a Lett^{r} from the Honōble William Goldsborough Esq.^{r} to the President concerning the Calling of the Assembly 11 sides	99

U. H. J. Liber No. 36				[Lbs. Tobacco]
	Sepr	25	Proclamations to prorogue the Assembly to 16.th October	135
	Octobr	6	Ditto to Ditto to 23 Ditto	135
		28	Recording Proceedings of the Vestry of Port Tobacco Parish in Charles County, Nanticoke Indians Petition and ordered Peter Monk to be Emperor 8 Sides	72
	Novr	6.	Proclamations to prorogue the Assembly to the 28th November	135
		24	Governors Lettr about the sale of Cap: Browns Rum 2 Sides	18
p. 298	Decr	31.	Proclamations for a Thanksgiving 3 Sides & to the several Parishes in the Province & dissenting Congregations 60 times more & ¼	2031
	1759			
	Jan.y	2.d	Recording a Lettr to Charles Goldsborough about French Prisoners 3 Sides	27
	Mar.	10	Proclamations to prorogue the Assembly to 26 March	135
	April	4	Recording Mr Pitts Letter to raise Men, Sr Jeffrey Amherst appointed General Mr Pitts second Lett.r and General Amherst's 2 Letters 18 sides	162
		17	Recording Lett.r from Pennsylvania and Depositions relative to a Murder committed in this Province upon an under Sheriff of Worcester County 157½ Sides.	1417½
			Copy of the same sent Governor Denny 157½ Sides	1417½
		18	Recording Petition of Indians from Dorchester County relating to their Lands in said County 16 Sides	144
			16 Days Attendance this year	1024
				7343¾
	June	13.th	Commission for a Flagg of Truce to Captain Ferguison & Instructions to him 10 Sides	90
	July	13	Recording a Lettr from Governor Denny & several Depositions relating to the Place where the Murder was committed 37 Sides 333	333
			15 Proclamations to prorogue the Assembly to the 15 October	135

			[Lbs. Tobacco]	U. H. J. Liber No. 36
Aug.^{t}	15	Recording Governor Dennys Lett.^{r} and Governor Sharpes Ans.^{r} 8 Sides	72	
Sep.^{r}	22d	Justices of the Provincial Court Report 2 Sides ½	20	
		Proclamations to prorogue the Assembly to the first February	135	
	26.th	Thomas Collier Deposition Robert Ingram, Job: Ingram Thomas Evans Philip Connoway Rich:^{d} Crockett, Geo: Fischer Thomas Hearne Robert Hopkins, John Dolby, Edward Callaway, Levin Hervey, John Alex.^{r} Willy, James Truitt, William Owens John Fleetwood and John Emorys Letter to the Governor & William Shacklands Letter to Rich^{d} Peters Esq.^{r} 37 Sides	333	
Nov^{r}	3.	Recording a Letter from John Burk to M^{r} Bracco, Pat Hamiltons, James Finleys Rich^{d} Reynolds & Tho.^{s} Bakers Deposition about the Behaviour of Burk, the Deposition of John Dehoity, Phil: Cubbidge William Lyster Tho^{s} Seden and John Bullen relative to the Behaviour of the surveyor of Kent County on Delaware, & order thereon 15 Sides	135	
Dec^{r}	6..th	Justices of Goal Delivery in Baltimore County Report ordered Dead Warrant 2 Sides	18	
	31	Proclamations to prorogue the Assembly to the 11.th March	135	
		Recording Petition of Jacques Bellise & Nicholas Gougett French Men praying a Flagg of Truce may be granted to Callom to Carry the French Prisoners to S:^{t} Domingo 10 Sides	90	
1760				
Feb.^{y}	20..th	Proclamations to prorogue the Assembly to the Second of April	135	
	24.	Recording a Letter from Board of Trade giving an Account of the taking Quebec & 50 Proclamations for a Public Thanksgiving ordered 17 March to the several Counties 55 Sides	495	p. 299
March	1st	Recording a Lett^{r} from M^{r} Pitt & General Amherst requiring Men to be raised by 10.th April 14 Sides	126	

U. H. J.
Liber No. 36

			[Lbs. Tobacco]
March	1st	Proclamations to call the Assembly the 2d March	135
April	18	Recording a Report from the Justices of the Provincial Court relating to James Horner for a Rape ordered Dead Warrant 2½ Sides	22½
		12 Days Attendance this Year	768
			3177½
May	22d	Recording a Letter from Govr Pownall relating to the Fire at Boston 8 Sides	72
		Briefs sent to the several Counties in this Province 50 Sides	450
June	2.d	Proclamations to prorogue the Assembly to the 4.th August	135
July	7	Ditto Do Do to the 9.th October	135
Sept	9.th	Recording a Letter from General Monckton 2 Sides	18
		Proclamations to call the Assembly to 22d September	135
	22.d	Ditto to prorogue Ditto to 23 Ditto	13
		Ordered a Lettr to James Weems Chief Justice Calvert County to enquire into to the Grounds of a Complaint against Captain Cousins for bringing Negroes into Patuxent 3 Sides	27
	29	Recording Depositions of Elias Glover, Robert Harrison James Somers and Eneas Longing 5½ Sides	49
Octr	7.	Report of the Justices of the Provincial Court 3½ Sides	31
	15	Recording French Prisoners Petition, ordered Flagg of Truce to David Carcaud and Instructions 5½ Sides	49
		Ordered the Council Room to be repaired 1 Side	9
	22.	Recording Mr Pitts Lett.r and a Letter to the Officer of the Customs, in Relation to an illegal Trade 10 Sides	90
		Ordered the Flagg of Truce to David Carcaud to be stopped 2 sides	18
		Ordered the Land at Fort Frederic to be Leased by the Governor 2 Sides	18
Decr	30.th	Copied from Gentlemans Magazine about the Kings Death 13½ Sides	121½

1761			[Lbs. Tobacco]	U. H. J. Liber No. 36
Jan^{y}	1.	Ordered the Clerk write to the Clerks of Cha.^{s} and Talbot Counties requiring to send Copies of a Conviction 4 Sides.....	36	
		Pacquet from Philadelphia received with an Account of the Kings Death and Proclamations and Orders from England relating thereto ..,..................	220½	
	26	Recording a Letter from the Board of Trade, & General Amhersts relating to the Kings Death, Proclamations & Declarations of King Geo: the Third, Form of Prayer directed & Continuance of Officers, ordered Proclamations in the City of Annapolis on Tuesday next & Lett^{r} to Col Hammond requiring Attendance of the Militia 14½ Sides..................	130½	
Feb^{y}	20	Recording a Lett^{r} from M^{r} Pownall and from General Amherst amending a Mistake in his Letter about the Kings Death 3 Sides	27	
Feb^{y}	20	His Majestys Declaration and Proclamations being prepared were Read, and Proclamations Read & approved of. Copies sent to the several Countys with orders for Publication 340 Sides and ½..........	3064½	p. 300
		Proclamations to prorogue the Assembly to 23 March	135	
Mar.	10.	Ditto to D° Ditto to 6 April.............	135	
		Drawing Examinations and Depositions of Vale Mulkiere Mast^{r} of Schooner Industry, Thomas Dale mate of Ditto, William Evory Mar:^{r} Arthur Pierson Mar.^{r} William Jones Mar.^{r} John Reynolds Mar.^{r} Thomas Anderson Mar.^{r} and David Carcaud Master of the Brigg Duke of Marlborough, Laughlin Donalson Mariner, Richard Morgan Mar.^{r} Middleton Belt Mate of Duke of Marlborough and Recording said Deposition 106 Sides....	1440	
	20	Ordered Chief Justice of the Provincial Court to issue Warrant to apprehend D: Carcaud, M: Belt L. Donaldson & Richard Morgan 2½ Sides................	22	
		Proclamations to prorogue Assembly to the 13th April	135	

U. H. J.
Liber No. 36

		[Lbs. Tobacco]
April 15.	Report of the Justices of a Special Court held in Baltimore County, ordered Dead Warrant for Charles Cullins 2 Sides....	18
	21 Days Attendance this Year...........	1344
		8078
May 26	Justices Report of a special Court held in St Marys County & Sentence of Death passed upon Negro Peter 2 Sides.......	18
July 1.	Proclamations to prorogue the Assembly to 3d October	135
10	Recording Proceedings relating to Mr Darnall Naval Officer of Patuxent for Breach of his Duty as Naval Officer & Mr Boardly Attorney General Report thereon 26½ Sides	234
Aug.t 15th	Report of the Justices of a Special Court held in Kent County against Sarah Reardon, ordered Pardon 2 Sides..........	18
Sep.t 25.th	Proclamations to Dissolve the Assembly...	135
Octob.r 14	Ditto to prorogue the Assembly to 19.th April	135
Dec. 21.	His Majestys Instructions altering the Form of Prayer for the Royal Family 3½ Sides 31	31
	Proclamations directing the same to be sent to the several Parishes in the sevl Counties 50 Times........................	1550
	Queries from the Board of Trade & Answers thereto 23 Sides................	207
1762		
Ap: 20	An Address to the King, another to the Queen and another to the Lord Proprietary to present the said Addresses and recording the same 8 Sides........	72
	Recording Lord Egremonts Lett.r and his Majestys Declaration of War against Spain 15 Sides......................	135
	50 Copies of his Majestys Declaration with Proclamations of War sent to the severall Counties 714 Sides..................	6426
	Proclamations ordering Lett:rs of Marque & Commissions to Privateers 14 Sides....	126

U. H. J.
Liber No. 36
p. 301

			[Lbs. Tobacco]
April	20,,th	The Report of the Justices of the Provincial Court and the Report of the Justices of a Special Court held in Cecil County they had passed Sentence of Death against Oronoko 2 Sides....................	18
		9 Days Attendance this Year............	576
			9816
May	13	Recording General Amhersts Lett.r desiring an Embargo, ordered that Lett.rs be wrote to the sever.l Officers of the Customs in this Province to be careful in observing the Act made in the 30th Year of the late Kings Reign 5 Sides................	45
June	9	Notice given to the Commissioners of the Paper Office 1 [side]................	9
		Recording Lettr from Col Cresap to the Governor, Read & sent a Copy to General Amherst 7 Sides................	63
Aug.t	12.th	D:o a Lettr from Gen.l Amherst and ordered the Clerk to send Col Cresap an Ans.r 3 Sides	27
		Proclamations to prorogue the Assembly to the first Monday in March next........	135
Sepr	25	Report of the Justices of the Provincial Court that they had passed Sentence of Death upon Mich:l Peck & Thomas Cooper 2 Sides....................	18
Novr	24	Recording L:d Egremonts Lettr acquainting of the Birth of a Prince of Wales, an Address to the King another to the Queen & one to Lord Baltimore entreating him to present sd Addresses 12 Sides........	108
		Recording Governor Hamiltons Lettr relating to the Six Nations & Treaty with the Indians at Lancaster and the Governors Lett.r to Sr William Johnson 12 Sides...	108
Dec.r	15.	Several Reports of the Justices of Talbot and Dorchester County & Frederick County 3 Sides.....................	27
1763			
Feby	11	Proclamations to prorogue the Assembly to the 11.th June.....................	135
		M.r Hollidays Account Ordered the Clerk draw for £33..5..1¾ payable to Mr Walls 5 Sides	45

U. H. J.
Liber No. 36

				[Lbs. Tobacco]
	Feb^{y}	11	Recording Lord Egremonts Lett.^{r} with his Majestys Proclamations declaring a Cessation of Arms 2 Sides................	18
			Proclamations with his Majestys Proclamations for a Cessation of Arms sent to the several Counties 84..................	756
	May	18	Proclamations to prorogue the Assembly to the 1,st of October..................	135
			Recording a Lett.^{r} from S^{r} William Johnson about Dan.^{l} Cresap and a Lett^{r} to S.^{r} William Johnson, & a Message to the Six Nations & ordered the Clerk to write to M^{r} Dan^{l} Cresap 10 Sides.............	90
			12 Days Attendance this Year...........	768
				2487
	June	7	Recording a Letter from John Ross to be communicated to the Inhabitants of Frederic County to be upon their Guard against the Indians..................	9
			Recording a Lett^{r} from Col Cresap to the Governor, from G: Croghan to Col Cresap with a Desire of 3 Indians to have Goods delivered them by Cresap and a Letter from J: Ross to Col Cresap & Directions to the Indians 8 Sides.......	72
p. 302	July	5.th	Recording a Lett^{r} from General Amherst complaining of the Behaviour of the Indians and Directions to Col Prather and Doc.^{r} Hiensman 10 Sides.............	90
			M^{r} Ross ordered to send a Lett.^{r} to M^{r} Heron Collector of Pocomoke 1 [side]..	9
		26	Recording Lord Egremonts Lett^{r} with the Kings Proclamations for Peace 2 Sides.	18
			Proclamations for Peace sent to the several Counties 14 Sides...................	126
			Recording a Letter from the Board of Trade signifying his Majestys Order for a Public Thanksgiving 1 Side..............	9
			40 Proclamations for a public Thanksgiving on the 23^{d} of August sent to the several Counties 2¼ each....................	880
			Address from the Governor and Council to the King 1½....................	13½

		[Lbs. Tobacco]	
July 26 Articles relating to Lord Baltimore	Recording an Indenture between Lord Baltimore and Cecelus Calvert Esq^{r} of the One Part and the Honourable Thomas Bennett and William Sharpe Esq,,^{r} of the other Part Settlement of the Province of Maryland 30 Sides.	270	U. H. J. Liber No. 36
1764			
Jan..^{y} 12th	Recording a Lett^{r} from the Board of Trade with the Kings Proclamations 18 Sides. .	162	
	Proclamations sent to the several Counties 252 Sides	2268	
	Recording a Lett^{r} from the Board of Trade relating to the Customs in America ½. . . .	13½	
April 12.th	Proclamations to prorogue the Assembly to 30..th July	135	
	Report of the Justices of the Provincial Court 3½ Sides.	31	
	7 Days Attendance this Year.	448	
		4553	
July 10.th	Proclamations to prorogue the Assembly to the first Tuesday in October.	135	
	Recording a Lett^{r} from the B.^{d} of Trade with an Address from the House of Commons to the King requiring an Account of the Paper Money 3 Sides.	27	
	An Answer thereto 2 Sides.	18	
	Account of the Paper Money 5 Sides.	45	
Sep^{t} 27	Proclamations to prorogue the Assembly to 17..th November	135	
	Ditto to Dissolve Ditto.	135	
	3 Days Attendance this Year.	192	
	Recording Henry Heinsmans Lease 10 Sides	90	
	Recording a Report of the Board of Trade and an Order of the King and Council relating to the Pennsylvania Acts 124 Sides	1116	
Dec^{r} 15	To Recording M^{r} Ross's Lett.^{r} 1 Side.	9	p. 303
	Recording Col Boquetts Letter and the Muster Roll 4½ Sides.	40[½]	
	Recording a Proclamation for a Suspension of Hostilities against the Indians 2 Sides	18	
	Issuing 15 of said Proclamations at 2 Sides each	270	
	Recording a Proclamation to prorogue the Assembly to 13th May.	13	

Liber No. 36
U. H. J.

			[Lbs. Tobacco]
Dec^{r}	15	Issuing 15 of said Proclamations........	195
		To Proceedings on the Report of the Justices Prince Georges County relating to Negro Jack's Poisoning of Negro Clair Ordered Pardon half a side...........	4½
1765			
Jan^{y}	11.	Recording a Lett^{r} from Col Boquett & Answer 6½ Sides....................	58½
Ap	20.	Ditto an Order for Proclamations to prorogue the Assembly to 10th June & 1 of s^{d} Proclamations 2 Sides.............	18
		Issuing 15 of said Proclamations........	195
May	21.	To Recording an Order for Proclamations to prorogue the Assembly to 7th October & 1 of s^{d} Proclm.^{s} 2 sd^{s}..............	18
		Issuing 15 of said Proclamations........	195
Aug.^{t}	28	To Proceedings on the Report of the Justices of a Special Court held in Frederic County relating to the Conviction of Fleetwood Benson for Horse Stealing ordered Dead Warrant 1½ Sides........	13½
Sep^{r}	12..th	To an Order for Proclamations to call Assembly to 23^{d} Ins.^{t} & recording One of said Proclamations & ordered Pardon for F: Benson 2 Sides..................	18
		Issuing 15 of said Proclamations........	195
	23.^{d}	Henry Hooper Esquire Qualified as a Member of said Council 1 [side]..........	9
		Recording Proceedings on the Report of the Justices of Prince Georges County relating to the Conviction of Negro Charles & James, ordered Pardon for said Negroes, and the Proceedings on the Report of the Justices of the Provincial Court, relating to the Conviction of E: Rudgkins Jo.^{n} Hubbert, & Rich^{d} Smith, ordered Pardon for Smith, & Dead Warrant for Rudgkins & Hubbert 1½ Side..............	13½
Oct.	26	A Letter to John Hepburne Esq:^{r}........	9
		Recording Captain Hawkers Letter & the Answer thereto 2½ Sides..............	22½
	31	Recording an Order for Proclamations to prorogue the Assembly to 1st Nov.^{r} and Issuing One of said Proclamations 2 Sides	18

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		[Lbs. Tobacco]
Oct. 31	10 Days Attendance	640
	Inspectors Commissions 24 at 150lb of Tobacco each	3600
		5573

The Public D.r to the Clerk of the Council	Tobacco	
To One Years Fees from the 10th May 1756 to 10 May 1757	9877	p. 304
To Ditto in 1758	13357¾	
To Ditto in 1759	7343¼	
To Ditto in 1760	3177½	
To Ditto in 1761	8078	
To Ditto in 1762	9816	
To Ditto in 1763	2487	
To Ditto to 20.th April 1764	4553	
To 6 Months Fees from 20th April 1764 to 12th Novem.r	1893	
	60,582½	
To 180 Inspectors Commissions being upon an Average 20 each Year at the Rate of 150lb Tobacco for each	27,000	
	87,582½	

NB: The following Omissions were pointed out by the Honoble Col Henry and Col Hooper, a Committee appointed by the Upper House to compare this Account with the Councils Proceedings and ought to be added. Viz.t

1756 May 25 & 27	Issuing Proclamations 13 Times more than what are there Charged	7,488
	Under charged 60lb Tobacco every Time that Proclamations were issued to the respective Counties for proroguing, Calling or Dissolving the Assembly being 35 Times in the Whole	2,100
		97,170½
	To Council Proceedings from 15:th Decem.r 1764, to 31.st October 1765	5,573
		102,743½

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Add to these the Attendance that necessarily precedes the Meeting of every Council, the Summoning of their Members, the Keeping of Officers Bonds, the County Levys, the receiveing the Returns from the different Vestry's of the Elections of Inspectors, Correspondence with these Vestrys & the Inspectors Chosen when they do not incline to Serve, and many other Matters that cannot be brought into any Account ....

PROCEEDINGS

OF THE

LOWER HOUSE OF ASSEMBLY

At a Session of Assembly held at the City of Annapolis on Fryday the first Day of Nov.^{r} Anno Domini 1765 and in the 15.th year of the Dominion of the Right Honourable Frederick Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c (his Excellency Horatio Sharpe Esquire being Governor) the following Delegates appeared in the Lower House of Assembly

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1765
Nov. 1
p. 263

The Hon.^{ble} Robert Lloyd Esquire Speaker

For S.^{t} Mary's County

Edmund Key Esq.^{r}

For Kent County

Col.^{o} Richard Lloyd

For Ann Arundel County

M^{r} Brice Tho.^{s} Beale Worthington
Thomas Johnson Esq.^{r}

For Calvert County

M.^{r} Edward Gantt
M.^{r} Charles Grahame
M.^{r} Young Parran

For Charles County

M.^{r} John Hanson Jun.^{r}
M.^{r} George Dent

For Somerset County

Samuel Wilson Esq.^{r}
M.^{r} William Adams
M.^{r} William Winder

For Talbot County

M.^{r} John Goldsborough

For Dorchester County

M.^{r} Daniel Sulivane
Col.^{o} Henry Travers
M :^{r} Philemon Lecompte
M.^{r} Robert Goldsborough 3.^{d}

For Baltimore County

M.^{r} Thomas Cockey Deye

For Cæcil County

M.^{r} William Ward

For Prince Georges County

M.^{r} William Murdoch
M.^{r} Josiah Bealle
M.^{r} Mordecai Jacob
M.^{r} Robert Tyler

For the City of Annapolis

Samuel Chase Esq.^{r}

For Queen Anns County

M.^{r} Thomas Wright

For Worcester County

. . . .

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Nov. 1

For Frederick County

Col.° Thomas Cresap
M.r Fielder Gantt
M.r James Smith

A sufficient Number of Delegates to compose the Lower House of Assembly being convened at the Stadt House

Ordered That M.r John Goldsborough and Col.° Lloyd do acquaint his Excellency the Governor therewith

Benedict Calvert and Daniel Dulany Esq.rs from the Upper House acquaint Mr Speaker that the Governor requires the Attendance of the Lower House immediately in the Upper House.

Mr Speaker left the Chair and attended with the Members of the Lower House went to the Upper House where his Excellency signified to Mr Speaker and the Lower House of Assembly That as it appeared from their Address delivered him near the Close of the last Session that it would be agreeable to them after a short Recess to proceed on public Business he had now met them for that purpose

Mr Speaker with the rest of the Members returned to the Lower House and reassumed the Chair

Major William Hynson a Delegate returned for Kent County Walter Dulany Esq.r a Delegate returned for the City of Annapolis and Capt.n Francis Ware a Delegate returned for Charles County severally appeared in the House

Ordered That M.r Hanson and Col.° Lloyd do go with those Gentlemen to the Upper House to see them Qualified they return and acquaint Mr Speaker they saw those Gentlemen Qualified in the usual Manner by taking the several Oaths to the Government required by Law by subscribing the Oath of Abjuration repeating and signing the Test

The Gentlemen took their Seats in the House

The House adjourns 'till the Morrow Morning at 9 of the Clock

Nov. 2

Saturday 2.d Nov.r 1765

The House met &c All the Members appeared as Yesterday Except Mr Murdock

Ordered That the following Rules be Observed as such during this Session Vizt

1.st That no Member of the House shall use any reviling Speech or Name any Member by his proper Name otherwise than for Distinction Sake but shall rather use some Other Signification As the Gentleman that spoke last or the like

L. H. J. Liber No. 52 Nov. 2 p. 264

2d That no Member speak above Once upon any Debate without Licence of the House declared by the Speaker and if two persons or more shall rise up together the Speaker shall appoint who shall Speak first and no Member shall interrupt any Other until the Gentleman Speaking hath Ended

3d That none shall deliver his Opinion or speak to any Bill or Debate unless he shall stand up and reverently direct his Speech to the Speaker

4.th That every Bill proposed by the House shall be read two several Days before it is sent to the Upper House and once after before it be Ingrossed And that between every Reading One Day shall be intermitted and that in that Time the Bill be laid on the Table for the perusal of all the Members unless on very urgent Occasions Mr Speaker with the Consent of the House shall dispense therewith and then on Bill being read twice at One Sitting shall be as sufficient as if read several Days when so entered in the Clerks Journal

5.th That no person come into the House of Assembly while the same is Sitting with Sword or other Weapon upon penalty of such Fine as shall be imposed on them by the Speaker not exceeding five Shillings for any One Offence

6.th That if any Member bound to attend this Assembly shall be absent at the Hours and place appointed after the Number of Twelve of the Members with the Speaker are met according to the Order for Sitting shall be fined according to the Discretion of the Speaker not exceeding five Shillings for any Offence unless upon such lawful Excuse as the Speaker shall admit of

7.th All Misdemeanours which shall happen in the House shall be censored and fined in the House

8.th That no Bill shall be read at any Time during this Session 'till all the Members in Town be called in except on some Excuse to be admitted by the Speaker

9.th That if any Member of this House do depart without Leave from the Honourable Speaker and the House such Member shall forfeit all his preceding Allowances due to him for his Attendance that Session

The following Resolves were made Viz

Resolved Unanimously that the following be entred on the Journal as the Resolves of this House viz

Resolved by the House that the Members who are appointed as Members of the Committee of Aggrievances have likewise the Character of a Committee for Courts of Justice And that that Character and the Duty of such Committee be annexed to the said Committee of Aggrievances as a standing part of their Duty And that it be an Instruction to the said Committee of Courts of Justice

L. H. J. Liber No. 52 Nov. 2 that they observe the Nature of all the Commissioners to the several Courts of Judicature within this province And that they especially observe any Alteration that may at any Time happen by Accidental Omission or otherwise therein And particularly relating to such Words therein as require the several Judges and Justices to hear try and determine according to the Laws Statutes Ordinances and reasonable Customs of England and of this province or to such other Words as have Relation thereto And that they shall immediately make Report to the House of any Alteration that shall at any Time happen in such Commission And likewise to have Regard as near as may be to observe wherein they differ from the Forms of the several Sorts of Commissions to the Judges and Justices in England

Likewise Resolved That it be an Instruction to the said Committee to inspect the Form of the Oaths of Office that have been and now are Usually taken by the several Magistrates and that in Case the following Clause be not inserted in the said Oath it be reported to the House such Clause being agreeable to the Oath taken by the Judges in England and resolved to be necessary here Viz

"To do equal Law and Right to all the Kings Subjects rich and poor and not to delay any person of common Right for the Letters of the King the Lord proprietary or of any Other or for any other Cause but if any such Letters come to them they shall proceed to Do the Law the same Letters notwithstanding"

And that a Copy of these Resolves be made and given to the said Committee when they first go out every Sessions and that making and giving such Copies be the undoubted Duty of the Clerk of this House and within the Purview of his Oath

Resolved Also that this province is not under the Circumstances of a conquered Country that if it were the present Christian Inhabitants thereof would be in the Circumstances not of the Conquered but of the Conqueror it being a Colony of the English Nation encouraged by the Crown to transplant themselves hither for the Sake of improving and enlarging its Dominions which by the Blessing of God upon their Endeavours at their own Expence and Labour has been in a great Measure obtained And 'tis unanimously resolved that whoever shall advance that his Majestys Subjects by such their Endeavours and Success have forfeited any part of their English Liberties are not well Wishers to the Country and mistake its happy Constitution

p. 265 Resolved further that if there be any pretence of Conquest it can only be supposed against the Native Indian Infidels which Supposition cannot be admitted because the Christian Inhabitants purchased great part of the Land they at first took up from the Indians as well as from the Lord proprietary and have ever since continued

L. H. J.
Liber No. 52
Nov. 2

in an amicable Course of Trade with them except some partial Outrages and Skirmishes which never amounted to a General War much less to a general Conquest the Indians yet enjoying their Rights and Privileges of Treaties and Trade with the English of whom we yet frequently purchase their Rights of such Lands as we take up as well as of the Lord proprietary

Resolved further That this province hath always had the Common Law and such General Statutes as are Securitative of the Rights and Liberties of the Subject and such Acts of Assembly as were made in the province to suit its particular Constitution as the Rule and Standard of its Government Judicature such Statutes & Acts of Assembly being subject to the like Rules of Common Law or Equitable Construction as are used by the Judges in construing Statutes in England which happy Rules have by his Majesty and his Royal Ancestors and also by his Lordship and his noble Ancestors or some of them been hitherto approved by having the Commissions of Judicature to include Directions of that Nature to the several Judicial Magistrates unless those Words have at any Time been casually or carelessly Omitted by the Officers in this province that drew such Commissions

Resolved That the levying and taking the Sum of twelve pence Sterling per Hogshead by the Right Honourable the Lord proprietary of this province on all Tobacco exported out of the same under pretence and Colour of the Act of 1704 is not warranted by Law Resolved Nemine Contradicente that if the above Act of 1704 have been in fforce from the Restoration of the Government by the Crown to the Right Honourable the Lord Proprietary to this Time Yet the Sum of three pence Sterling part of the said twelve pence Sterling Agreeable to the plain Construction of the above mentioned Act of 1704 And her late Majesty Queen Anns Instructions to her Governor here when the said Act was in Force ought to be applied towards the purchasing of Arms and Ammunition for the Defence of this province

Resolved That the Hours of Sitting for the Dispatch of public Business during this Session be from nine of the Clock before Noon until Twelve and from two of the Clock Afternoon until five

Ordered That M^r^ Dulany do acquaint the Rev.^d^ M^r^ Love that he is desired by this House to read Divine Service daily during this Session at three Quarters of an Hour past Eight in the Morning and at five of the Clock Afternoon

The following Petition of sundry the Inhabitants Freeholders and Free Voters in the Corporation of the City of Annapolis Viz

To the Honourable the Speaker and the Lower House of Assembly

L. H. J. Liber No. 52 Nov. 2 The Humble petition of sundry the Inhabitants Freeholders and Free Voters in the Corporation of the City of Annapolis Sheweth

That a Writ of Election lately Issued in the usual Form directed to the Mayor Recorder and Aldermen of the said City requiring and impowering them to proceed in the Choice of Delegates in the Room of Mr Walter Dulany who had disqualified himself by accepting a place under the Government since the last General Election that on the fifth Day of October last past the Day appointed for the said Election there were present the said Walter Dulany as Mayor of the Corporation aforesaid together with five of the Aldermen of the said City and the said Walter Dulany and John Hall were then proposed as Candidates the Honourable Daniel Dulany Esq.r Recorder being absent

And your petitioners further shew that the said Walter Dulany sat and Acted as Mayor during the whole Time of the said Election and did not withdraw himself from the Bench on any Controversy about the Qualification of the Electors but objected in his Seat to the Qualifications of such as Offered to vote against him and continued in his Seat as Mayor at all Times during such Controversies And your petitioners apprehending that the said Conduct of the Mayor aforesaid to be unconstitutional and Illegal did object thereto but being overruled by the Court caused the same to be entered upon the poll And although the said Walter Dulany had the Majority of Votes yet your petitioners apprehend the said Election and the Return thereof to be void in itself and tending to destroy the Freedom necessary to be observed at all Elections Your petitioners therefore humbly pray that your Honours would take the premises into Consideration and do therein what to Justice doth belong

And as in Duty bound will ever pray &c

Was read the first and second Time

p. 266 Ordered That the said Petition be heard at the Bar of this House on Fryday the 8.th Instant and that the parties concerned have Summons's on Application to the Clerk of this House and that the petitioners have Leave to appear by Council

Ordered That the Mayor Recorder and Aldermen of the City of Annapolis do attend this House on the 8.th Instant and bring with them the Original Poll taken at the last Election and that Mr Hodgkin the Clerk of the Mayors Court do likewise attend and bring with him the Minutes of the Court proceedings taken at the last Election taken at the said City

On Motion the House appointed Mr Dulany Mr Worthington Mr Bealle Mr Hanson Mr Grahame Col.o Lloyd and Mr Wilson a Committee to inspect the Accounts and proceedings of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly

The House appointed M^r^ J. Goldsborough Major Hynson M.^r^ Sulivane M.^r^ Dent and M^r^ Wright a Committee of Accounts

L. H. J. Liber No. 52 Nov. 2

The following Message Viz

By the Lower House of Assembly 2.^d^ Nov.^r^ 1765

May it please your Honours

This House hath appointed M.^r^ Dulany M^r^ Worthington M^r^ Bealle M^r^ Hanson M^r^ Grahame Col.^o^ Lloyd and M^r^ Wilson a Committee from this House to inspect the Office and proceedings of the Commiss.^rs^ or Trustees for emitting Bills of Credit established by Act of Assembly and desire your Honours will appoint One or more Members of your House to join the said Committee

Signed ꝑ Order MMacnemara Clk Lo Ho

was sent to the Upper House by M^r^ Grahame and M^r^ Hanson

J. Ridout Esq.^r^ from the Upper House delivers to M^r^ Speaker the following Message Viz

By the Upper House of Assembly Nov.^r^ 2. 1765

Gentlemen

This House hath appointed Samuel Chamberlayne and Benedict Calvert Esq.^rs^ to join the Members of your House mentioned in your Message by Mess.^rs^ Hanson and Grahame in a Committee to inspect the Office and proceedings of the Commiss.^rs^ or Trustees for emitting Bills of Credit established by Act of Assembly

Signed by Order UScott Clk Up. Ho

The House adjourns 'till two of the Clock

Post Meridiem

The House met and adjourned to Monday Morning at 9 o Clock

Monday 4.^th^ Nov.^r^ 1765

Nov. 4

The House met &c

M^r^ Smallwood Capt.^n^ Chapline and M^r^ Baker appeared in the House

On Motion Ordered that M^r^ Robert Goldsborough be added to the Committee of Accounts

The Governor communicated to M^r^ Speaker the following Message Viz^t^

Gentlemen of the Lower House of Assembly

I herewith send you the Copy of a Letter which I have received from Capt.^n^ Hawker Commander of his Majestys Ship Sardeine now at Anchor off Newcastle in Delaware River the Contents of which

L. H. J. Liber No. 52 Nov. 4 I recommend to your serious Consideration and shall be glad to know what Answer you think it would be proper for me to return him

Hor.° Sharpe

the 2.d Day of November 1765

And the following Letter Viz

22d Oct.r 1765

Sardeine Newcastle River Delaware

Sir

In Consequence of Applications made to me by the respective Governors of New Jersey and Pennsylvania I have taken the Stamp papers for these provinces on Board his Majesty's Ship Sardeine under my Command till a place of Safety could have been provided for them And understanding there were also some for Maryland p. 267 brought by the same Ship (Royal Charlotte) and imagining your Honour had not the Opportunity of making the same Application to me I therefore as it related to his Majestys Service And out of Respect to you have taken them also on Board me and beg your Directions for the Disposal of them as soon as possible

I am with great Regard
Sir
Your most humble and Obedient Servant
Ja.s Hawker

The Honourable Sharpe Esq.r

Which were severally read the first Time and Ordered to lye on the Table

The House adjourns 'till two of the Clock

Post Meridiem

The House met

John Hammond Esq.r Mr Edmondson and Mr Parker Selby appear'd in the House

Mr Benton Harris a Delegate returned for Worcester County appeared in the House

Ordered that Mr Selby and M.r William Adams do go with that Gentleman to the Upper House to see him qualified they return and acquaint Mr Speaker they saw the Gentleman qualified in the Usual Manner by taking the several Oaths to the Government required by Law by subscribing the Oath of Abjuration repeating & signing the Test

The Gentleman took his Seat in the House

The House adjourns 'till the Morrow Morning at 9 of the Clock

Tuesday 5.th Nov.r 1765

L. H. J.
Liber No. 52
Nov. 5

The House met &c

Col.o Tilghman Mr Ringgold Mr Corbin Lee Col.o Hyland and Henry Hollyday Esqr appeared in the House

The House Mr Edmunson Mr Jacob Col.o Travers H. Hollyday Esq.r and Mr Ward a Committee of Elections and privileges

Mr Tyler Mr Parran Henry Hollyday Esq.r S. Chase Esq.r Mr Harris J. Hammond Esq.r T. Johnson Esq.r a Committee to inspect into the several public Offices and to report to the House the State & Condition thereof

Walter Dulany Esq.r J Hammond Esq.r Col.o Tilghman W.m Murdock Esq.r Col.o Hyland and Mr E. Gantt a Committee of Grievances and Courts of Justice

Col.o Cresap M.r W. Adams Mr Smallwood Capt.n Ware Mr Edmunson a Committee to enquire into the State and Condition of the Arms and Ammunition and Accounts relating thereto

Thomas Ringgold Esq.r is added to the Committee to inspect the Office and proceedings of the Commissioners of the paper Currency Office

The House adjourns 'till 2 of the Clock

Post Meridiem

The House met &c

Mr Murdock and Mr Henry Hall appeared in the House

His Excellency the Governors Message of Yesterday with the Letter therewith communicated to Mr Speaker were read the second Time On Motion Ordered that Mr Key Mr Ringgold Mr Hammond Mr Grahame Mr Hanson Mr Wilson Mr Goldsborough Col.o Travers Mr Lee Col.o Hyland Mr Murdock Mr Dulany Col.o Tilghman Mr Harris and Col.o Cresap be a Committee to prepare and bring in an Answer thereto

Mess.rs Murdock Tilghman and Ringgold delivered to Mr Speaker the proceedings of the Commissioners of the several Colonies who met at New York in Consequence of the proposal of the House of Representatives of the Government of the Massachusetts Bay laid before the House last Session which were Ordered to be read and were read in the House accordingly and lodged in the Hands of the Speaker for the perusal of the Members

The House adjourns 'till the Morrow Morning 9 of the Clock

Wednesday 6.th Nov.r 1765

Nov. 6

The House met &c

Daniel Wolstenholme Esqr appeared in the House

L. H. J. Liber No. 52 Nov. 6 On Motion Ordered that M^r Johnson Col.^{o} Tilghman M^r Hammond M.^{r} J. Goldsborough be a Committee to enquire what Laws are near expiring and make Report to the House

p. 268 Ordered That M^r Henry Hall be added to the Committee to inspect the Office and proceedings of the Commiss^{rs} of the paper Currency Office &c

Benedict Calvert Esq.^{r} from the Upper House delivers to M^r Speaker a petition of the Rev.^{d} M^r Thomas Bacon a petition of the Rector Church Wardens Vestry and parishioners of S.^{t} James's in the County of Ann Arundel

The petition of Ignatius Wheeler and Benjamin Ward Inspectors at Pomunkey Warehouse in Charles County A petition to enable the present Inspector at Bruffs Inspecting House in Talbot County to do all the Dutys required by Laws and to grant him such Additional Salary as may seem just and reasonable and sundry petitions of languishing prisoners in several County Goals of this province praying to be released from Confinement which petitions were Indorsed By the Upper House of Assembly read and referred to the Consideration of the Lower House of Assembly the said petitions were here read the first Time and Ordered to lye on the Table

Col.^{o} Tilghman brings in and delivers to M^r Speaker an Address to the Governor which was read approved and Ordered to be Ingrossed

The House adjourns 'till two of the Clock

Post Meridiem

The House met &c

Thomas Ringgold Esq.^{r} brings in and delivers to M^r Speaker the following Ingrossed Address Viz

To his Excellency Horatio Sharpe Esq.^{r} Governor and Commander
in Chief in and over the Province of Maryland
The Humble Address of the House of Delegates

May it please your Excellency

We have in pursuance of your Excellencys Recommendation taken into our serious Consideration the Contents of the Copy of Capt.^{n} Hawkers Letter sent to us by your Excellency with your Message of the 2^d Inst.^{t} and are extremely sorry we cannot comply with your Request that we would let you know "what Answer we think it would be proper for you to return him" As it is not agreeable to the Sentiments of our Constituents that we should give your Excellency any Advice upon the Occasion

Which was read and Assented to and signed by Order of the House by the Honourable Speaker

It being moved by M.r J. Goldsborough from the Committee of Accounts that the Sense of the House be made known whether the Claims of the Militia Accounts for provisions and Waggons and quartering of Soldiers be inserted in the Journal of Accounts L. H. J. Liber No. 52 Nov. 6

On Motion the Question was put whether the Claims of the Militia Accounts for provisions and Waggons and Quartering of soldiers be inserted in the Journal of Accounts or in a Bill to be prepared for that Purpose

Resolved that the Claims be inserted in a Bill to be prepared for that purpose

Ordered that Col.o Tilghman Mr Johnson Mr Hammond and Mr Ringgold do prepare and bring in a Bill accordingly

Ordered that Henry Hollyday and Samuel Wilson Esq.rs do acquaint his Excellency that this House hath prepared an Address to be presented to him and desires to know when and where he will please to receive it they return and acquaint Mr Speaker that the Governor signified he would be ready to receive the Address immediately in the Conference Chamber

Ordered that Mr Murdock and three more do present the Address

The House adjourns till the Morrow Morning at 9 of the Clock

Thursday 7.th Nov.r 1765

Nov. 7

The House met &c

Mr Earle and Mr Gibson appeared in the House

On Motion of Col.o Tilghman Leave is given to bring in a Bill for the Relief of sundry languishing prisoners for Debt in the several County Goals in this province

Ordered that Mr Johnson Col.o Tilghman Mr Ringgold Mr Wilson Mr Chase do prepare and bring in the Same

On Motion of Mr Grahame Ordered that Mr Earle be added to the Committee for inspecting the Office and proceedings of the Commissioners of the paper Currency Office

On Motion of Thomas Ringgold Esq.r Leave is given to bring in a Bill to prevent the Mischiefs arising from the Multiplicity of Useless Dogs and other purposes therein mentioned

Ordered That Mr Ringgold M.r J. Goldsborough Mr Wilson and Mr Wolstenholme do prepare & bring in a Bill accordingly p. 269

On Motion of John Hammond Esq.r Leave is given to bring in a Supplementary Bill to the Act ascertaing what Damages shall be allowed upon protested Bills of Exchange Ordered that Mr Hammond M.r Johnson M.r Ringgold and Col.o Tilghman do prepare and bring in the same

L. H. J. Liber No. 52 Nov. 7

On Motion of Col.° Tilghman Leave is given to bring in a Bill for the Benefit of the poor and the Encouragement of Industry

Ordered that M^r Hanson Col.° Tilghman M^r Graham M^r Selby M^r Fielder Gantt and Col.° Hyland do prepare and bring in a Bill accordingly

On Motion of Thomas Johnson Esq.^{r} Leave is given to bring in a Supplementary Bill to the Act for the speedy Recovery of small Debts out of Court before One Justice of the peace

Ordered that M^r [Thos] Johnson M^r [John] Hammond and M^r [Samuel] Chase do prepare and bring in a Bill accordingly

A petition of Nathan Baker Ex̄tor and Residuary Legatee of Jethro Brown late of Cæcil County dece'd was preferred to this House and read the first Time and Ordered to lye on the Table

The petition to enable the present Inspector at Bruffs Inspecting House in Talbot County to do all the Dutys required by Law and to grant him such Additional Salary as may seem just and reasonable was read the second Time and granted

The House adjourns 'till two of the Clock

Post Meridiem

The House met &c

On Motion of Thomas Ringgold Esq.^{r} Leave is given to bring in a Supplementary Bill to the Act for Regulating Attachments

Ordered that M^r Johnson M^r Ringgold M.^{r} H. Hollyday and Col.° Tilghman do prepare & bring in a Bill accordingly

On Motion of Col.° Tilghman Leave is given to bring in a Bill for the Support of an Agent for this Province in Great Britain

Ordered that Col.° Tilghman M^r Murdock and Col.° Lloyd do prepare and bring in a Bill accordingly

On Motion of Col.° Tilghman Leave is given to bring in a Bill for Issuing Writs of Replevin out of the County Courts

Ordered that Col.° Tilghman M^r Murdock M^r Ringgold do prepare and bring in a Bill acco.^{ly}

On Motion of Thomas Ringgold Esq.^{r} Leave is given to bring in a Bill for the Tryal of all Matters of Fact in the several Countys where they have arisen or shall arise

Ordered that M^r [Thos] Ringgold M^r [H] Hollyday and M^r Fielder Gantt do prepare and bring in a Bill accordingly

Daniel Dulany Esq.^{r} from the Upper House delivers to M^r Speaker a petition of sundry Inhitants of Talbot and Dorset Countys A petition of Cornelius Howard of Baltimore County A petition of Henry Troth of Talbot County A Memorial and petition of William Linn of Frederic County A petition of the Inhītants of Baltimore Town in Baltimore County and petitions of sev.^{l} prisoners languishing in different County Goals in this province A petition of the Rector Church Wardens Vestrymen and parishioners of S.t James's parish in Ann Arundel County which petitions were Indorsed By the Upper House of Assembly read and referred to the Consideration of the Lower House of Assembly

L. H. J.
Liber No. 52
Nov. 7

On Motion of Mr Chase Henry Wilkins is appointed Clerk to attend on the several Committees of this House.

Ordered that he be qualified in the usual Manner

Mr Henry Hall acquaints Mr. Speaker that Henry Wilkins had taken before him the several Oaths to the Government required by Law Signed the Oath of Abjuration repeated and signed the Test and took the following Oath Viz

You Henry Wilkins do swear that you will true Entries make of all such Matters and Things as shall be to you directed by any Committee of the lower House of Assembly for whom you shall act as Clerk and that you will not divulge the Secrets of the said House of Assembly or of any Committee thereof but will in all Things well and truly demean yourself according to the best of your Knowledge So help you God

The House adjourns 'till the Morrow Morning at 9 of the Clock

Fryday the 8.th Nov.r 1765

Nov. 8

p. 270

The House met

M.r John Hall appeared in the House

Mr Edmunson brings in and delivers to Mr Speaker the following Report Viz

Your Committee having inspected the Writs directed to the several Sheriffs and Return thereon for Electing Deputies and Delegates to serve in this General Assembly do find that Mess.rs Henry Greenfield Sothoron Daniel Wolstenholme George Plater and Edmund Key Delegates of S.t Mary's County are duly returned

That Mess.rs Edw.d Gantt Benjamin Mackall Charles Grahame and Young Parran Delegates of Calvert County are duly returned That Mess.rs Thomas Cockey Deye Corbin Lee James Heath and John Hall Jun.r Delegates of Baltimore County are duly returned

That Mess.rs Michael Earle Henry Baker Nicholas Hyland and William Ward Delegates of Cæcil County are duly returned That Mess.rs Josias Bealle William Murdock Mordecai Jacob and Robert Tyler Delegates of prince Georges County are duly returned That Mess.rs Thomas Johnson Jun.r Henry Hall John Hammond and Thomas Brice Beale Worthington Delegates of Ann Arundel County are duly returned That Mess.rs Pollard Edmonson John Goldsborough Woolman Gibson and Henry Hollyday Delegates of Talbot

L. H. J. Liber No. 52 Nov. 8

County are duly returned That Mess.rs Daniel Sulivane Robert Goldsborough Philemon Lecompte and Henry Travers Delegates of Dorchester County are duly returned That Mess.rs William Winder William Adams John Adams and Samuel Wilson Delegates of Somerset County are duly returned

That Mess.rs Tho.s Ringgold Robert Buchanan Richard Lloyd and William Hynson Delegates of Kent County are duly returned

That Mess.rs William Smallwood George Dent John Hanson and Francis Ware Delegates of Charles County are duly returned

That Mess.rs Edward Tilghman James Hollyday Robert Lloyd and Thomas Wright Delegates of Queen Anns County are duly returned That Mess.rs Peter Chaille William Allen Parker Selby and Benton Harris Delegates of Worcester County are duly returned

That Mess.rs Thomas Cresap Joseph Chapline James Smith and Fielder Gantt Delegates of Fred.k County are returned by Indentures but it doth not appear that any Writ is or hath been annexed thereto or returned therewith That Mr Samuel Chase is duly returned a Delegate for the City of Annapolis and that Mr Walter Dulany is only returned by the Aldermen of the City

which is humbly submitted to the Consideration of your Honble House Signed ꝑ Order Henry Wilkins Clk

On Motion of Col.o Hyland Leave is given to bring in a Bill to revive and aid the proceedings of Cæcil County Court

Ordered that Col.o Hyland Mr Baker Mr Ringgold Mr Earle and Mr Key do prepare and bring in a Bill accordingly

The petition of James Daily languishing prisoner in Queen Anns County Goal the petition of Levin Townsend languishing prisoner in Worcester County Goal and the petition of William Spry a languishing Prisoner in Queen Ann's County Goal were read and granted

The Order of the Day being read the House took into Consideration the petition of sundry the Inhabitants Freeholders and Free Voters in the Corporation of the City of Annapolis and after Hearing the petitioners Council at the Bar referred the Same And Ordered that the said petition be taken into Consideration immediately after the Call of the House Afternoon

The House adjourns till two of the Clock

Post Meridiem

The House met

The Order of the Day being read the House took into Consideration the petition of sundry the Inhabitants Freeholders and Free Voters in the Corporation of the City of Annapolis and referred the same And Ordered that the said petition be taken into Consideration on Tuesday Morning next immediately after the Call of the House L. H. J. Liber No. 52 Nov. 8

On Motion Col.° Lloyd Mr Edmunson Mr Hammond and Mr Bealle have Leave of Absence for a few Days

The Governor communicated to Mr Speaker the following Message Viz

Gentlemen of the Lower House of Assembly p. 271

I herewith send you a Letter that I rec'd from the late Brigadier General Bouquet when he was on his last Expedition against the Western Indians who had committed such horrid Barbarities on the Frontier Inhabitants of these provinces You will see by the Letter that a Number of Voluntiers from Frederick County whose Names are mentioned in the Inclosed Muster Roll actuated by a very laudable Spirit went out under the Command of Capt.n M.cClellan & Wolgamot to join the Kings Troops & Assist in reducing the Enemies of their Country to Reason which you know was happily accomplished And as both the Officers and Men behaved in such a Manner during the Campaign as gave the General great Satisfaction I think it my Duty to recommend their Services to your Consideration and hope you will think they merit some Reward from their Country

Hor° Sharpe

The 8.th Nov.r 1765

The House adjourns till the Morrow Morning at 9 of the Clock

Saturday 9.th Nov.r 1765 Nov. 9

The house met and all appeared as Yesterday except Col.° Lloyd Mr Hammond & Mr Fielder Gantt

Mr Buchanan appeared in the House

On Motion of Col.° Tilghman Leave is given to bring in a Bill for regulating Innholders and Ordinary Keepers within this province

Ordered that Col.° Tilghman Col.° Hyland Mr J. Hall and Mr Hanson do prepare and bring in a Bill accordingly

On Reading the Second Time the petition of the Rev.d Mr Thomas Bacon the same was referred for Consideration on Fryday the 15.th Instant

Thomas Ringgold Esq.r delivers to Mr Speaker a Supplementary Bill to the Act Intituled an Act for the Speedy Recovery of small Debts out of Court before One Justice of the peace which was read the first Time and Ordered to lye on the Table

On Motion of Mr John Goldsborough Ordered that the Committee of Accounts do not receive any Claims against the publick after Thursday the 14.th Instant

L. H. J. Liber No. 52 Nov. 9

Thomas Ringgold Esq.^{r} brings in and delivers to M^{r} Speaker a Bill Entituled an Act for the Tryal of all Matters of Fact in the several Counties where they have arisen or shall arise which was read the first Time and Ordered to lye on the Table

On Motion of Thomas Ringgold Esq.^{r} Leave is given to bring in a Bill for the more Speedy Foreclosure of Mortgages

Ordered that Thomas Ringgold and Samuel Chase Esq.^{rs} do prepare and bring in a Bill accordingly

Thomas Ringgold Esq.^{r} brings in and delivers to M^{r} Speaker A Bill for the more Speedy Foreclosure of Mortgages which was read the first Time and Ordered to lye on the Table

The House adjourns 'till two of the Clock

Post Meridiem

The House met

M^{r} Smallwood brings in and delivers to M^{r} Speaker the following Report Viz

By the Committee appointed by the Hon.^{ble} House of Delegates to inspect into the State & Condition of the Arms and Ammunition and Accounts relating thereto Nov.^{r} 9.th 1765

Your Committee having inspected the Arms and Ammunition in the City of Annapolis do find that there is in the possession of the Armourer the following Arms and Ammunition Viz

In the Council Chamber

200 Muskets with Slings appear to be in good Order
30 Trumpets
70 Broad Swords
42 Halberts and pikes
50 Sword Blades
58 Buff Slings

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Above the Conference Chamber

85 Black hilted Swords 42 bright D.° 15 Cutlashes
35 pistols 2 New Drums 1 Old D.° a little damaged
200 new Bayonets with Cartouch Boxes and Bullet Moulds
90 Buff Belts 29 Old Bayonets 86 Carbines and short Muskets
57 Old Muskets and Carbines some without Locks and many with broken D.°
133 Old Cartouch Boxes 10 Old Slings 8 Hair pouches and powder Horns
104 Old Muskets most of which without Locks and not worth repairing

L. H. J.
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Nov. 9

9 pistols the Locks broke and out of Order
4 pair Holsters 7 broken Drums
3 Chests Matches 30 blue Cases for Muskets
10 listed Cases for Carbines 5 half Pikes
15 pair Drum Sticks 11 New Carbine Slings
7 New Cartouch Boxes 9 Old Belts for Muskets
¼ Cwt. Musket Ball and great Shot

Under the Conference Chamber

382 Muskets very rusty and many of the Locks want repairing
60 D.^{o} many of the Stocks broke and without Locks
35 Musket Barrels 3 Casks of Bar Lead
16 Kegs of Musket Ball each ½ Cw.^{t} 3 powder Barrels filled with Do.^{o}
200 Bayonets 1500 Gun Flints

In the powder House

3600 Cw.^{t} Gunpowder in 72 half Barrels
1400 W.^{t} D.^{o} in 14 Barrels Marked **FLB**
15 Barrels Bar Lead
77 Kegs Musket Ball
10 D.^{o} mixed D.^{o}
84 buff broad Sword Belts 1000 Gun Flints

On the half Moon Battery

15 Pieces of Cannon fixed on a Wooden Frame (which is much decayed and Shatter'd) wanting Aprons and Tomkins and many of them without Cramps which render them unfit for Service & ever dangerous to fire The several pieces of Old Cannon mentioned in former Reports to have lain on the point are none of them there now

Your Committee find that since the last Reports of the State of the Arms and Ammunition there have been received into the Magazine Seventy two half Barrels Gunpowder which was received into the powder House before the present Armourer took Charge of the Arms and Ammunition who has no Accounts, relating thereto he informing your Committee that there have been two Barrels replaced in the Magazine by Thomas Richardson and Company in Lieu of two Barrels delivered him by Order of the Governor by whose Orders the following Quanties (as mentioned in a Report to the Honourable House October 24.th 1763) were delivered out of the Magazine and Stores a Return of which has never been made Viz

1762 Nov.^{r} 10.th Delivered to M^{r} Smith Merchant in Chester Town 2 Barrels powder Marked **FLB**

1763 June 5.th Delivered to Basil Croser 2 Barrels Gunpowder to be delivered to Col.^{o} Thomas Prather or his Order at the Mouth of Conococheague

L. H. J. Liber No. 52 Nov. 9 July 11.th By Order of his Excellency was sent to Frederick County 2 Barrels Gunpowder Marked **FLB** 700 Cw.t Bar Lead 6 Kegs Leaden Ball which makes 1000 Weight to be delivered to Col.o Thomas Prather at the Mouth of Conococheague

Your Committee beg Leave to acquaint the Honourable House that the Arms mentioned in the last Report to have been returned into the Magazine from Fort Frederick which were placed in the Vault below the Conference Chamber remain there still and are in as bad or worse Order than at the Time when that Review was made And that the Deficiency of Ammunition and One Halberd mentioned in that Report is not accounted for yet

All which is humbly submitted to the Consideration of the Hon.ble House

Signed ℘ Order Henry Wilkins Clk

p. 273 Which was read the first Time and Ordered to lye on the Table

Col.o Hooper from the Upper House delivers to Mr Speaker the following Message Viz.t

By the Upper House of Assembly Nov.r 9.th 1765

Gentlemen

We shall be very willing to join with you in a Contribution towards the Relief of the Unhappy Sufferers whose Case is recommended to you with this

Signed by Order UScott Cl. Up. Ho

And the following Message from the Governor

Gentlemen of the Upper House of Assembly

I think it my Duty to lay before you a Letter that I received a few Days ago from Governor Murray with a particular authenticated Account of the Losses which the Inhabitants of Montreal suffered by the dreadful Fire that in May last broke out in that City As I doubt not but the Account given in the Letter of the unhappy Circumstances to which many of those unfortunate people are now reduced will excite the Compassion of the Gentlemen who compose the Lower House as well as yours and think the granting some Relief to the Sufferers by a publick Act would really be for the Honour of the province and agreeable to the humane and generous Sentiments of the Inhabitants I recommend it to you to refer the Matter to the Consideration of the Gentlemen of the Lower House and shall be glad if you jointly approve of my Proposal

Hor.o Sharpe

8.th Nov.r 1765

and the following Letter from Gov.r Murray

Quebec 29.th June 1765

Sir

I make no Doubt but your Excellency must have heard some Time since of the Melancholly Accident that happened by Fire on the

18.th Day of May last to the poor People of Montreal in this Government L. H. J. Liber No. 52 Nov. 9

On the News reaching this place the Governor and Council assembled to consider what was most proper to be done for the immediate Relief of the unhappy Sufferers and thereupon it was Resolved that two Members of the Council should go to Montreal as Commissioners to enquire into the Event of this dreadful Calamity and to apply thereto such Assistance as to them should seem fitting and also to procure every necessary Information in Order to make a true Report of the real Loss sustained by the Inhabitants which the Head of every Family has respectively attested upon Oath amounting in the whole to £87580.8.10½ Sterling Copy whereof accompanies this under the Broad Seal of the province and my Signature thereto

It would be needless Sir to say any Thing on this Occasion to induce your Excellency & your Council to exert your Influence and good Offices in so laudable a Work as that of prevailing with the Affluent in your province to contribute their Mite to the Relief of the Miserable Sufferers who having lost almost all they were worth before by the Ravages of War and the Non payment of their paper Money nothing remained to compleat their Wretchedness but this unhappy Accident. I cannot omit on this Occasion applauding in the strongest Manner the Behaviour of his Majestys new Subjects in this province a Seasonable Relief at this Time must rivet their Affections to the British Government and Silence those among them who would insinute that the professors of Our Religion do not possess the Christian Virtues to an eminent Degree

I have the Honour to be with great Truth and Regard

S.r Your most Obedient and most faithful Humble Servant

Ja. Murray

Col.o Tilghman brings in and delivers to Mr Speaker a Bill entitled an Act (Prisoners Bill) which was read the first and second Time by an especial Order and will pass and was sent to the Upper House by M.r J. Goldsborough and Col.o Hyland

Major Hynson from the Committee of Accounts brings in and delivers to Mr Speaker the Accounts for Quartering Soldiers paying the Militia Accounts for provisions Waggon Hire &c entred in a Book for that purpose which was Ordered to lye on the Table p. 274

The House adjourns 'till Monday Morning at 9 o'Clock

Monday 11.th Nov.r 1765 Nov. 11

The House met all the Members appeared as on Saturday except Mr Edmunson M.r Henry Hall and Mr Bealle

George Plater and John Hammond Esq.rs appeared in the House

L. H. J. Liber No. 52 Nov. 11 On Motion of Thomas Johnson Esq.^{r} Leave is given to bring in a Bill to prevent the Navigation of Potomack River being obstructed

Ordered that Thomas Johnson Thomas Ringgold Esq.^{rs} and Col.^{o} Cresap do prepare and bring in a Bill accordingly

On Motion of Thomas Johnson Esq.^{r} Leave is given to bring in a Bill to aid defective Common Recoverys

Ordered that Tho.^{s} Johnson Samuel Wilson Tho.^{s} Ringgold and Henry Hollyday Esq.^{rs} do prepare and bring in a Bill accordingly

On Motion of Thomas Johnson Esq.^{r} Leave is given to bring a Supplementary Bill to the Act Intitled an Act for Improving the Staple of Tobacco &c

Ordered that Thomas Johnson Thomas Ringgold Daniel Wolstenholme Henry Hollyday Esq^{rs} M^{r} Grahame J. Goldsborough Samuel Wilson Esq.^{rs} do prepare and bring in a Bill accordingly

Henry Hollyday Esq.^{r} is added to the Committee appointed to prepare the Bill for regulating Ordinarys

M^{r} Buchanan is added to the Committee appointed to inspect the Office & proceedings of the Commissioners of the paper Currency Office

J. Ridout Esq.^{r} from the Upper House delivers to M^{r} Speaker a petition of Samuel Turnbridge a languishing prisoner in Ann Arundel County Goal praying to be released from Indorsed By the Upper House of Assembly Read and referred to the Consideration of the Lower House of Assembly which Petition was read here the first Time and Ordered to lye on the Table

The House adjourns 'till two of the Clock

Post Meridiem

The House met

On Motion of Samuel Wilson Esq.^{r} Leave is given to bring in a Bill for the preservation of the Breed of Fish

Ordered that Samuel Wilson John Hammond Esq.^{rs} M^{r} Baker M^{r} Jacob M^{r} Lee and Edmund Key Esq.^{r} do prepare and bring in a Bill accordingly

M^{r} Plater is added to the Committee appointed to inspect the public Records

The House adjourns 'till the Morrow Morning at 9 of the Clock

Nov. 12

Tuesday 12.th Nov.^{r} 1765

The House met &c

M^{r} Henry Hall M^{r} Sothoron and M^{r} Mackall appeared in the House

L. H. J. Liber No. 52 Nov. 12

The Order of the Day being read the House took into Consideration the petition of sundry the Inhītants Freeholders and Free Voters in the Corporation of the City of Annapolis and referred the Same

Ordered that the said petition be taken into Consideration After Noon Immediately after the Call of the House

The House adjourns 'till two of the Clock

Post Meridiem

The House met

The Order of the Day being read the House took into Consideration the petition of sundry the Inhītants Freeholders and Free Voters in the Corporation of the City of Annapolis and after fully debating and mature Deliberation thereon

The Question was put whether the following Entry Viz

It appearing to this House that M^{r} Walter Dulany the Sitting Member was Mayor of the City of Annap.^{s} at the Time of his Election and qualified as returning Officer under the Statute 2 Geo 2.^{d} That he sat and continued in the Chair on the Bench during the Time of the Election and in his Seat did Object to the Qualification of some of the Voters who offered to vote against him That there p. 275 was no Adjournment by Order of the Court which Order was signified to the proper Officer by M^{r} Macnemara the Senior Alderman And further it appearing to the House that the Sitting Member is returned by four Aldermen of the said City which Return is not signed by the Recorder who was absent at the Time of the Election be entred on the Journal or not.

Resolved in the Affirmative

For the Affirmative

Worthington
H Hall
Johnson
Mackall
E. Gantt
Parran
Dent
Smallwood
Ware
J. Goldsborough
Gibson
R. Goldsborough
Lecompte
Cockey Deye
J. Hall
Hyland
Ward
Bealle
Jacob
Tyler
Chase
Tilghman
Wright
Cresap
Chapline
Smith

[26]

For the Negative

Plater
Key
Wolstenholme
Sothoron
Grahame
Hanson
Wilson
Winder
Travers
Lee
Earle
Baker

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Nov. 12

Hynson
Buchanan
Hammond
W. Adams
H. Hollyday
Sulivane
Murdock
Harris
Selby
[21]

The Question was put that the following Question be now put Viz

Whether the Mayor of the City of Annapolis be eligible to serve as a Delegate in Assembly or not?

Resolved in the Affirmative

The previous Question being determined the Question was put whether the Mayor of the City of Annapolis be eligible to serve as a Delegate in Assembly or not?

Resolved in the Affirmative

For the Affirmative

Plater
Key
Wolstenholme
Sothoron
Ringgold
Hynson
Buchanan
Worthington
Hammond
Johnson
Mackall
E Gantt
Grahame
Parran
Hanson
Smallwood
Wilson
W. Adams
Winder
H. Hollyday
Sulivane
Travers
Lee
J. Hall
Earle
Baker
Murdock
Harris
Selby
[29]

For the Negative

H. Hall
Dent
Ware
J. Goldsborough
Gibson
Lecompte
Cockey Deye
Hyland
Ward
Jacob
Tyler
Chase
Tilghman
Wright
Cresap
Chapline
Smith
[17]

The Question was put whether M^r^ Dulany was duly elected or not?

Resolved in the Negative

For the Affirmative

Plater
Key
Wolstenholme
Sothoron
Hynson
Buchanan
Hammond
Grahame
Hanson
Wilson
W. Adams
Winder
H. Hollyday
Sulivane
Travers
Lee
Earle
Baker
Harris
Selby
[20]

L. H. J.
Liber No. 52
Nov. 12

For the Negative

Ringgold
Worthington
H Hall
Johnson
Mackall
E. Gantt
Parran
Dent
Smallwood
Ware
J. Goldsborough
Gibson
R. Goldsborough
Lecompte
Cockey Deye
J. Hall
Hyland
Ward
Murdock
Jacob
Tyler
Chase
Tilghman
Wright
Cresap
Chapline
Smith [27]

The House adjourns 'till the Morrow Morning at 9 of the Clock

Wednesday 13.th Nov.^{r} 1765 Nov. 13

The House met &c

James Hollyday Esq.^{r} Col.^{o} Lloyd M^{r} Bealle & M.^{r} J. Adams appeared in the House

On Motion Ordered that James Hollyday Esq.^{r} be added to the Committee appointed to prepare the Bill for the Revival of Cæcil County Court and to the Committee appointed to prepare a Bill to aid defective Common Recoverys

Thomas Ringgold Esq.^{r} brings in and delivers to M^{r} Speaker a Bill Entituled An Act for the speedy Payment of sundry persons several Sums of Money allowed to them on Account of the late War which was read the first Time and Ordered to lye on the Table

The House adjourns 'till two of the Clock

Post Meridiem

The House met &c

p. 277 On Motion Ordered that M^{r} Speaker do Issue his Warrant directed to the Deputy Secretary of this province to make out a new Writ of Election, directed to the Mayor Recorder and Aldermen of the City of Annapolis to elect a Delegate to serve in this General Assembly now sitting in the Room of Walter Dulany Esq.^{r} discharged from his Seat in this House

The House adjourns 'till the Morrow Morning at 9 of the Clock

Thursday 14.th Nov.^{r} 1765 Nov. 14

The House met &c

M^{r} Edmunson appeared in the House

On Motion Ordered that M.^{r} Chase M.^{r} J. Adams, M.^{r} J. Hall Col.^{o} Cresap M.^{r} Wolstenholme M^{r} Smallwood Major Hynson M.^{r}

L. H. J. Liber No. 52 Nov. 14

J. Goldsborough Col.° Travers and Mr Selby be added to the Committee of Grievances and Courts of Justice

The petition of the Inspectors of Pomunkey Warehouse in Charles County praying to have their Salary encreased One thousand six hundred pounds of Tobacco to each Inspector was read and granted and on Motion the Salarys of the Inspectors at Chickamuxon were Ordered to be encreased in like Manner

Ordered that Mr Hanson Mr Smallwood Mr Edmunson M.r H. Hollyday do prepare and bring in a Bill accordingly

On Reading the Second Time the petition of the Inhabitants of Baltimore Town in Baltimore County praying An Act may pass the Legislative Body of this province to make Valid a Lease obtained by the said petitioners from a certain Thomas Harrison and for the Regulation of a Market in the said Town.

Ordered that M.r J Hall Mr Lee M.r Cockey Deye Samuel Chase and J. Hollyday Esq.rs do examine and enquire into the Allegations and Facts contained in the said petition and report the same to the House

On Motion of Mr Selby Leave is given to bring in a Bill for the Relief of Insolvent Debtors

Ordered that Mr Selby J. Hollyday S. Wilson E. Key and Thomas Ringgold Esq.rs do prepare and bring in a Bill accordingly

M.r Hanson brings in and delivers to Mr Speaker a Bill for the Benefit of the poor and Encouragement of Industry which was read the first Time and Ordered to lye on the Table

Daniel Dulany Esq.r from the Upper House delivers to Mr Speaker the Bill Entitled An Act for the Relief of several languishing prisoners in the Goals therein mentioned

Indorsed By the Upper House of Assembly Nov.r 14.th 1765 Read the second Time and will pass with the Amendments Annexed

Signed by Order UScott Cl. Up. Ho.

and the following Message Viz

By the Upper House of Assembly Nov.r 14.th 1765.

Gentlemen

Upon your Agreeing to the Amendments proposed by us we will give our Assent to the Bill Entituled An Act for the Relief of certain languishing prisoners in the several Goals therein mentioned; Since we received that Bill several petitions of prisoners have been laid before us and as they seem to us to be equally Objects proper to be relieved we send the petitions to you that their Names if you think proper may be inserted in the Bill.

Signed by Order UScott Cl Up. Ho.

and the following Amendments Viz

After the Word notwithstanding in the last Line of the second page insert the following proviso

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Provided also that the respective Sheriffs of the Counties aforesaid shall be first paid and satisfied their Imprisonment Fees before any Creditor or Creditors shall have or receive any Share or part of the Estates of the said prisoners respectively or of the produce thereof

After the Word Sheriffs in the 5.th Line of the last Page leave out the Residue of that enacting Clause and insert as follows in Manner following paid and satisfied (that is to say) After Satisfaction of the aforesaid Imprisonment Fees that the Estate and Interest of the aforesaid prisoners respectively upon which their Judgment Creditors or any claiming or that shall claim under them by Assignment or otherwise have or shall have any Lien or the produce thereof shall be in the first place after Satisfaction of the Sheriffs as aforesaid applied to the Discharge of the said Creditors according to the Order and priority of their Judgments and the Lien arising therefrom and that the Residue of the Estate and Interest of the said prisoners respectively or the Produce thereof shall be distributed among all their Creditors that shall apply therefore within thirty Days after the aforesaid Sale in equal proportion to their Demands And be it further enacted by the Authority aforesaid that if any of the persons intended by this Act to be relieved are and shall be of sufficient Ability of Body to labour such person or persons not having a Wife or Family shall be and are hereby obliged to serve for a Time not exceeding five Years to any person or persons who are or shall be inclined to purchase the Time or Servitude of such Debtor or Debtors and that the respective Sheriffs in whose Custody the aforesaid persons or any of them are be and are hereby authorized & obliged at the first County Court to be held at their respective Countys next after the End of this Session and during the Time of Court Sitting by Order of such Court to publish the Sale of such Debtor and the Time of his or her Servitude and the same may and are hereby obliged to sell and dispose of to the highest Bidder and the Money arising from such Sale shall be as Effects of such Debtor in the Hands of the respective Sheriffs subject as aforesaid to a Distribution in Manner aforesaid and the Sale and Service of such Debtor as aforesaid is hereby directed to be taken as a full and sufficient Acquital and Discharge against all Debts due from such Debtor before such Sale and Service as aforesaid any thing to the Contrary notwithstanding

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And the petitions of several languishing Prisoners in the County Goals of this province and the petitions of Capt.n W.m M.cClellen Capt.n Evan Shelby and of Mary Covington Administratrix of Philip Covington of Somerset County deceased severally Indorsed

L. H. J. Liber No. 52 Nov. 14

By the Upper House of Assembly referred to the Consideration of the Lower House

Which petitions were severally read here the first Time and Ordered to lye on the Table

The House adjourns 'till two of the Clock

Post Meridiem

The House met

Samuel Chamberlayne Esq.^{r} from the Upper House delivers to M^r Speaker the following Message Viz.

By the Upper House of Assembly Nov.^{r} 1765

Gentlemen

This is attended with two petitions from Baltimore and Worcester Countys desiring that the Inhabitants of those Countys may be relieved from the great & heavy Charge arising from the Allowances made for the Maintenance and Support of the poor

The Burthen occasioned by our present Method of providing for the poor is generally felt & complained of and we could wish to see better Regulation of this Matter universally introduced into this province Upon having Recourse to the last Years Levy Lists returned to the Clerk of the Council for ten Countys only (the Returns from the Counties of Frederick S^t Marys Worcester and Queen Ann not having been made) we find the Amount of the poors Rate therein including Sheriffs Commission to be One Million three hundred seven thousand six hundred and fforty two pounds of Tobacco

Whether the Erection of Workhouses and Houses of Correction in all the Counties would not give great Relief to the Inhabitants in the Annual Levies afford a more regular and better applied Provision for the poor Check the Disorders committed by common Beggars and idle Vagabonds and lay a Foundation for useful Industry we refer to your Consideration

Signed by Order UScott Clk Up. Ho.

And a petition of the Inhabitants of Baltimore County and a petition of the Magistrates and sundry of the Inhabitants of Worcester County praying to have a House for the Reception of the poor and a Workhouse erected in said Counties Indorsed By the Upper House referred to the Consideration of the Lower House which petitions were here read and Ordered to lye on the Table

Benedict Calvert Esq.^{r} from the Upper House delivers to M^r Speaker a petition of Ann Ogle of Annapolis Widow Benjamin Tasker Esq.^{r} and John Hammond Esq.^{r} praying Leave to bring in a Bill to sell two Tracts of Land laying in Ann Arundel County the One called Hickory Ridge containing 260 Acres the other called Green Land containing 100 Acres

And a petition of the Inhabitants of Ann Arundel County praying Leave to bring in a Bill for the Erecting a Workhouse or Hospital for the Reception of the pensioners or poor of the said County severally Indorsed By the Upper House of Assembly read and referred to the Consideration of the Lower House of Assembly L. H. J. Liber No. 52 Nov. 14

Which petitions were here read and Ordered to lye on the Table

On Motion Mr Sulivane Mr Parran Mr Lecompte and Capt.n Ware have Leave of Absence for a few Days p. 279

The House adjourns 'till the Morrow Morning at 9 o Clock

Fryday 15.th Nov.r 1765. Nov. 15

The House met all the Members appeared as yesterday except M.r Parran and Capt.n Ware

On Motion of Col.o Tilghman that a Committee be appointed to consider and report their Opinion by what Right the Lord Proprietary of this province takes the Fines and Forfeitures arising at Common Law whether they ought not to be applied to the Support of his Government here and whether an Account of such Application ought not to be rendered or Stated for the Satisfaction of the publick Also to enquire into and report the Annual Amount of all Duties Imposts and Sums received and collected by the said Lord Proprietary or his Officers for his Use by or under Colour of Laws or Customs of this province for the Support of his Government here Distinguishing the same under proper Heads and their Opinion whether the Application of all the Monies so collected ought not by regular Acco.ts be made appear to the public

Ordered that James Hollyday Thomas Johnson Edmund Key Samuel Chase John Hammond Sam.l Wilson William Murdock Thomas Ringgold Esq.rs Col.o Tilghman and Mr John Hall be a Committee for that purpose and that they make Report thereof to the House.

On Motion of Col.o Tilghman that a Committee be appointed to enquire into the several lucrative Offices in this province and of the Annual profits from each Office

Ordered that M.r Worthington M.r Grahame Daniel Wolstenholme Henry Hollyday Esq.rs Mr Earle M.r Hanson M.r Harris and M.r Bealle be a Committee for that purpose and that they make Report thereof to the House

The petition of Mary Covington Administratrix of Philip Covington of Somerset County deceased was read the Second Time Ordered that Samuel Wilson J Hollyday Esq.rs M.r John Adams Capt.n Winder and Mr Harris do enquire and examine into the several Facts and Allegations contained in the said petition and make Report thereof to the House

L. H. J. Liber No. 52 Nov. 15

The petition of Ann Ogle Widow Benjamin Tasker Esq.r and John Hammond Esq.r was read the second Time

Ordered that Col.o Tilghman Thomas Ringgold James Hollyday and William Murdock Esq.rs do enquire and examine into the several Facts and Allegations contained in the said petition and make Report thereof to the House,

John Hammond Esq.r brings in and delivers to Mr Speaker a Bill Entituled a Supplementary Act to the Act Entituled an Act for ascertaining what Damages shall be allowed upon protested Bills of Exchange which was read the first Time and Ordered to lye on the Table

The Order of the Day being read the petition of the Rev.d M.r Thomas Bacon was taken into Consideration &c on his prayer he had the permission of the House to withdraw the same

Samuel Chamberlayne Esq.r from the Upper House delivers to Mr Speaker the Humble petition of sundry Inhabitants of Kent County the petition of Capt.n Bealle & Capt.n Ware The petition of Lieut Rezin Beall The Petition of the Vestry and protestant Inhabitants of All Faiths parish in St Marys County and the petition of the Vestrymen Church Wardens and sundry other Inhabitants of S.t Pauls parish in Kent County severally Indorsed By the Upper House of Assembly Read and referred to the Consideration of the Lower House of Assembly

which petitions were read here and Ordered to lye on the Table

The Bill Entituled an Act for the Tryal of all Matters of Fact in the several Countys where they have Arisen or shall arise was read the second Time and committed for Amendments

The House adjourns 'till two of the Clock

Post Meridiem

The House met

Mr ffielder Gantt appeared in the House

On Motion Col.o Travers Tho.s Ringgold Esq.r M.r Henry Hall Col.o Tilghman M.r Wright John Hammond Esqr and Major Hynson have Leaves of Absence

Thomas Ringgold Esq.r brings in and delivers to Mr Speaker a Bill Entituled an Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs and for other purposes therein mentioned

Which was read the first Time and Ordered to lye on the Table

The House adjourns 'till the Morrow Morning at 9 of the Clock

Saturday 16.th Nov.^{r} 1765

L. H. J.
Liber No. 52
Nov. 16

The House met

All the Members appeared as Yesterday Except M^{r} Ringgold Major Hynson M.^{r} Hammond M.^{r} Henry Hall M^{r} Sulivane Col.^{o} Travers M.^{r} Lecompte Col.^{o} Tilghman & M^{r} Wright.

p. 280

On Reading and considering the Petition and Account of Capt.^{n} Evan Shelby for provisions and Cloathing &c furnishing a Company of Voluntiers raised by him in 1758 the same were Rejected

The House taking into Consideration the extraordinary Merit of Capt.^{n} Evan Shelby in his Spirited Conduct during the late War and the Advantages derived to the Common Cause thereby the Question was put that a Sum of Money be given him as a Testimony of their Approbation

For the Affirmative

Plater
Key
Wolstenholme
Sothoron
Lloyd
Buchanan
Worthington
Johnson
Mackall
E. Gantt
Grahame
Hanson
Dent
Smallwood
Wilson
W. Adams
J. Adams
Winder
Edmunson
J. Goldsborough
Gibson
H. Hollyday

[22]

For the Negative

R. Goldsborough
Lee
J. Hall
Earle
Baker
Hyland
Ward
Murdock
Beall
Jacob
Tyler
Chase
J. Hollyday
Harris
Selby
Chapline
F. Gantt
Cresap
Smith

[19]

The Question was put whether Capt.^{n} Shelby shall be allowed £200 in Dollars, at 7/6 or more

Resolved that he be allowed £200 in Dollars at 7/6

For 200 £

Lloyd
Buchanan
Worthington
Mackall
E. Gantt
Grahame
Dent
W. Adams
J. Adams
Winder
Edmunson
J. Goldsborough
Gibson
R. Goldsborough
Earle
Baker
Hyland
Ward
Bealle
Tyler
Cresap
Smith

[22]

L. H. J.
Liber No. 52
Nov. 16

For more

Plater
Key
Wolstenholme
Sothoron
Johnson
Hanson
Smallwood

Wilson
H. Hollyday
Lee
J. Hall
Murdock
Jacob
Chase

J. Hollyday
Harris
Selby
F. Gantt
Chapline

[19]

On Reading the second Time the Petition of Joshua Beall & Francis Ware

Ordered that the said petition be referred to the Enquiry and Examination of Daniel Wolstenholme and H Hollyday Esq.rs M.r Hanson and Capt.n Winder and that they make Report of the Allegations and Facts contained therein

On Reading the Second Time the petition of Rezin Beall Ordered that the said petition be referred to the Enquiry and Examination of Daniel Wolstenholme and H. Hollyday Esq.rs Mr Hanson and Capt.n Winder and that they make Report of the Allegations and Facts contained therein

On motion Ordered that the Committee of Accounts do close the Journal of Accounts this Day

The House adjourns 'till Monday Morning at 9 of the Clock

Nov. 18

Monday 18.th Nov.r 1765

The House met

All the Members appeared as on Saturday except Mr Murdock

Mr Henry Hall and Mr Hammond appeared in the House

J. Ridout Esq.r from the Upper House delivers to Mr Speaker a Bill Entituled a Supplementary Act to the Act Entituled An Act for the Limitation of certain Actions for avoiding Suits at Law Indorsed By the Upper House of Assembly 16.th Nov.r 1765 Read the first Time and Ordered to lye on the Table. And thus By the Upper House of Assembly 18.th Nov.r 1765 Read the Second Time and will pass

Signed by Order UScott Clk Up. Ho.

Which Bill was here read the first Time and Ordered to lye on the Table

p. 281 And the petitions of Thomas Schley and John Jeremiah Myar of Frederick County Administrators of Daniel Davis of said County and the petition of John Jeremiah Myar of Frederick County Merchant Indorsed By the Upper House of Assembly Read & referred to the Consideration of the Lower House of Assembly

Which petitions were here read the first Time and Ordered to lye on the Table

L. H. J.
Liber No. 52
Nov. 18

The House adjourns 'till two of the Clock

Post Meridiem

The House met

On Motion of Samuel Wilson Esq.^{r} Ordered that no new Business be moved after next Thursday

The House adjourns till the Morrow Morning at 9 of the Clock

Tuesday 19.th Nov.^{r} 1765

Nov. 19

The House met

All present as Yesterday

Col.^{o} Tilghman and Thomas Ringgold Esq.^{rs} appeared in the House.

On Motion M^{r} Gibson hath Leave of Absence 'til Thursday next

On Reading the Bill Entituled an Act for the Relief of several languishing prisoners in the Goals therein mentioned

On Motion this House doth agree with the first Amendment proposed by the Upper House

And on Motion the Question was put that this House doth agree to the last part of the second Amendment proposed by the Upper House

Resolved in the Negative

The Bill Entituled a Supplementary Act to the Act Entituled An Act ascertaining what Damages shall be allowed upon protested Bills of Exchange

was read the second Time and will pass

Samuel Wilson Esq.^{r} brings in and delivers to M^{r} Speaker a Bill Entituled a Supplementary Act to the Act for amending the Staple of Tobacco &c which Bills were severally read the first Time and Ordered to lye on the Table

The Supplementary Act to the Act Entituled an Act for the speedy Recovery of Small Debts out of Court before one Justice of the peace

The Question was put whether the Quantity of Tobacco that the Magistrate is to make his Determination on be 1000.^{lb} or 800^{lb} of

Resolved that it be 1000^{lb} of Tobacco

For 1000 ℔

Plater	Mackall	J. Hall
Key	Hanson	Earle

L. H. J.
Liber No. 52
Nov. 19

Wolstenholme
Sothoron
Ringgold
Worthington
Hammond
Johnson
Dent
Wilson
W. Adams
J A.dams
H. Hollyday
Lee
Hyland
Tilghman
Wright
Selby
Cresap
Smith [24]

For 800 ℔

Lloyd
Buchanan
H. Hall
E. Gantt
Grahame
Smallwood
Winder
Edmunson
J. Goldsborough
R. Goldsborough
Cockey Deye
Baker
Ward
Bealle
Jacob
Tyler
Chase
J. Hollyday
Harris
F. Gantt
Chapline [21]

On Reading the Second Time the Supplementary Bill to the Act Entituled An Act for the speedy Recovery of small Debts out of Court before One Justice of the peace the Question was put that the said Bill do pass

For the Affirmative

Wolstenholme
Sothoron
Ringgold
Worthington
Hammond
Johnson
Mackall
E. Gantt
Grahame
Hanson
Dent
Wilson
W. Adams
J. Adams
Winder
Edmunson
J. Goldsborough
H. Hollyday
R. Goldsborough
Cockey Deye
Lee
J. Hall
Earle
Baker
Hyland
Ward
Tilghman
Wright
Harris
Selby
Cresap
F. Gantt
Chapline
Smith [34]

For the Negative

Lloyd
Buchanan
H. Hall
Smallwood
Bealle
Jacob
Tyler
Chase
J. Hollyday [9]

p. 282 The House adjourns 'till two of the Clock

Post Meridiem

The House met

Capt.ⁿ Ware appeared in the House

L. H. J.
Liber No. 52
Nov. 19

The Bill entituled a Supplementary Act to the Act Entituled An Act for the speedy Recovery of small Debts out of Court before One Justice of the peace and the Bill Entituled A Supplementary Act to the Act Entituled An Act ascertaining what Damages shall be allowed upon protested Bills for Exchange were sent to the Upper House by M.r J. Goldsborough and Mr Mackall

Samuel Wilson Esq.r brings in and delivers to Mr Speaker the following Report Viz

By the Committee appointed to enquire into the Facts set forth in the petition of Mary Covington Administratrix of Philip Covington deceased

Your Committee find that the Inventory of Philip Covingtons Estate returned into the Commissarys Office amounts to £184.0.5 as alledged in the petition

That by an Account passed by Mary Covington Adm̄ix of Philip Covington with the Deputy Commissary of Somerset County it appears the said Adm̄ix hath paid the Sum of £184..2..11 of which £161.1.4 was applied to the Payment of a Bond passed by Philip Covington to Henry Waggaman Jun.r

Your Committee further Report that a paper purporting to be a Copy of a Bond passed by Philip Covington Daniel Jones and Nehemiah Covington to Henry Waggaman Junior dated the 24.th of August 1763 for the payment of £301.5.5¼ Current Paper Money with Interest and on which is Indorsed an Affidavit of Levin Wilson that the same was a true Copy of the Original Bond to which the said Levin Wilson appears to be a Witness was produced and shewn to us but the Original Bond was not shewn us

That another paper purporting to be a Copy of a Bond passed by Philip Covington Daniel Jones and James Covington to Mary Waggaman dated the 24.th day of August 1763 for the payment of £25..4.0 in pieces of Eight at 7/6 each with Interest and on which is Indorsed an Affidavit of Levin Wilson that the same was a true Copy of the Original Bond to w.ch the said Levin Wilson appears to be a Witness was produced and shewn to us but the Original Bond was not shown us

That another paper purporting to be a Copy of a Bond from Philip Covington and James Covington to Levin Dashiell Dated the 5.th Day of April 1762 for the payment of £16.14.4 in good Spanish pistoles or pieces of Eight as they shall pass at the Time of Payment at or before the 5.th Day of April then next ensuing with Interest was also produced and shewn to us

That sundry Account against Philip Covington Amounting to £61..9..7¾ some whereof are proved and others not proved were produced and shewn to us

L. H. J. Liber No. 52 Nov. 19 Your Committee find the said Philip Covington dyed Seized of the Tract of Land called Covington's Conclusion Of the Tract of Land called Covingtons Adventure and of part of the Tract of Land called Sweetwood mentioned in the petition but of what Estate in them or any of them does not appear to us—And we find that the Residue of the Sum of £184.2.11 paid by the said Admix over and above the said Sum of £161.1.4 applied as above Stated was applied to the Payment of Debts not mentioned in this Report And to the Expences of Administration

All which is humbly submitted to the Consideration of this Hon.^{ble} House

Signed ꝑ Order Turbut Wright Clk

On Reading the second Time the Bill Entituled an Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs and for other purposes therein mentioned

The Question was put whether any Housekeeper shall keep more than one Dog without being taxed or not?

Resolved in the Negative

For more than One Dog

Key
Lloyd
Buchanan
Hammond
Smallwood
Wilson
W. Adams
J. Adams
Edmunson
J. Goldsborough
H. Hollyday
R. Goldsborough
Cockey Deye
Hyland
Jacob
Tyler
Harris
Selby
Chapline
Smith
[20]

For one Dog

Plater
Wolstenholme
Sothoron
Ringgold
Worthington
H. Hall
Johnson
Mackall
E. Gantt
Grahame
Hanson
Dent
Ware
Winder
Lee
J. Hall
Earle
Baker
Ward
Bealle
Chase
Tilghman
J. Hollyday
Wright
Cresap
F. Gantt
[26]

p. 283 The House adjourns 'till the Morrow Morning at 9 of the Clock

Nov. 20 Wednesday 20.th Nov.^{r} 1765

The House met

All appeared as yesterday except M^{r} Lee

L. H. J.
Liber No. 52
Nov. 20

Mr Sulivane and M.r Lecompte appeared in the House

On Reading the second Time the Bill Entituled an Act for the Benefit of the Poor and the Encouragement of Industry

The Question was put that the Growth of the Hemp & Flax of which the Linnen shall be made be confin'd to the County in which the Bounty shall be paid

Resolved in the Affirmative

For the Affirmative

Mackall
E. Gantt
Grahame
Hanson
Dent
Ware
W. Adams
J. Adams
Edmunson
J. Goldsborough
Sulivane
Lecompte
Cockey Deye
Earle
Baker
Hyland
Ward
Tilghman
Wright
Selby
Cresap
Chapline
Smith
[23]

For the Negative

Plater
Wolstenholme
Sothoron
Ringgold
Lloyd
Buchanan
Worthington
Hammond
H. Hall
Johnson
Smallwood
Wilson
Winder
R. Goldsborough
J. Hall
Bealle
Jacob
Tyler
Chase
J. Hollyday
Harris
F. Gantt.
[22]

Daniel Dulany Esq.r from the Upper House delivers to Mr Speaker the Bill Entituled An Act for the speedy Recovery of small Debts out of Court before one Justice of the peace

Indorsed By the Upper House of Assembly 20.th Nov.r 1765 Read the first & second Time by an especial Order and will not pass

And the Bill Entituled a Supplementary Act to the Act Entituled An Act ascertaining what Damages shall be allowed upon Protested Bills of Exchange

Indorsed By the Upper House of Assembly 20.th Nov.r 1765

Read the first & second Time by an especial Order and will pass

Signed by Order UScott Clk. Up. Ho.

Which Bill was here read & passed for Ingrossing

The Bill Entituled An Act for the Benefit of the poor & Encouragement of Industry was read the second Time and will pass and was sent to the Upper House by M.r Sulivane & M.r J Adams.

L. H. J. Liber No. 52 Nov. 20 On Motion that a Committee be appointed to report to the House their Opinion what will be the best Way of disposing of the public Money in the Treasury and the paper Currency Office belonging to the Country and of the Capital Bank Stock that will belong to the Country after Payment to all the private Proprietors of the Paper Bills of Credit and also of the best Method to support the Trade and Commerce of this province at this Time when Specie is so scarce amongst us

Ordered that Thomas Ringgold and Daniel Wolstenholme Esq.^{rs} M.^{r} Grahame Col.^{o} Tilghman Tho.^{s} Johnson James Hollyday and John Hammond Esq.^{rs} be a Committee appointed for that purpose and that they make Report thereof to the House

On Reading the Second Time the petition of the Rector Vestrymen Church wardens and parishoners of S.^{t} James's parish in Ann Arundel County the same was granted

Ordered that M.^{r} Johnson M.^{r} H. Hall M.^{r} Hammond & M.^{r} Worthington do prepare & bring in a Bill according to the petitioners prayer

The Bill Entituled an Act for the Tryal of all Matters of Fact in the several Counties where they have arisen or shall arise was read the second Time and will pass and was sent to the Upper House by Col.^{o} Lloyd and M^{r} Dent

The House adjourns till 2 of the Clock P. M.

The House met

Col.^{o} Travers and M.^{r} Parran appeared in the House

p. 284 On Motion Henry Hollyday Esq.^{r} hath Leave of Absence

On Reading the second Time the Bill Entituled An Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs and for other purposes therein mentioned

The Question was put that the said Bill do pass

Resolved in the Affirmative

For the Affirmative

Plater
Key
Wolstenholme
Sothoron
Ringgold
Lloyd
Worthington
H. Hall
Johnson
Mackall
E. Gantt
Grahame
Parran
Hanson
Dent
Ware
Edmonson
J Goldsborough
R. Goldsborough
Earle
Baker
Ward
Bealle
Jacob
Tyler
Chase
Tilghman
J. Hollyday
Wright
F. Gantt
Chapline
J. Hall

[32]

L. H. J.
Liber No. 52
Nov. 20

For the Negative

Buchanan
Hammond
Smallwood
Wilson
W. Adams
J. Adams
Winder
Sulivane
Lecompte
Cockey Deye
Hyland
Harris
Selby
Cresap
Smith [15]

Which Bill was Indorsed Read the Second Time and will pass

John Ridout Esq.^{r} from the Upper House delivers to M^{r} Speaker a petition of John Brown a languishing Prisoner in S^{t} Mary's County Goal Indorsed By the Upper House of Assembly referred to the Consideration of the Lower House of Assembly

Which petition was here read the first Time and Ordered to lye on the Table

The Bill Entituled an Act to prevent the Navigation on Potomack River Monococy and great Connegocheague Creek being Obstructed was read the second Time and will pass

The House adjourns 'till the Morrow Morning at 9 of the Clock

Thursday 21.st Nov.^{r} 1765

Nov. 21

The House met

All the Members appeared as Yesterday except H. Hollyday Esq.^{r}

The Bill Entituled an Act to prevent the Navigation on potomack River Monococy and great Conegocheauge Creeks being obstructed was sent to the Upper House by M.^{r} Harris and M.^{r} R. Goldsborough

On Motion of Thomas Ringgold Esq.^{r} Leave is given to bring in a Bill to limit the Time of receiving Bills of Credit into the Loan Office and other purposes therein mentioned

Ordered that Edmund Key Thomas Ringgold and James Hollyday Esq.^{rs} do prepare and bring in a Bill accordingly

On Reading the Accounts produced against the public on the Alarm from Lancaster and Baltimore County in Nov.^{r} 1755 the Question was put whether the Sum of £30.3s.3d being the Ballance of s.^{d} Account claimed by Bayard Veasey shall be allowed or not?

Resolved in the Affirmative

For the Affirmative

Plater
Sothoron
Ringgold
Lloyd
Buchanan
Hanson
Winder
J. Goldsborough
Sulivane
R. Goldsborough
Travers
Cockey Deye
Hyland
Ward
Jacob
Tyler
J. Hollyday
Wright

L. H. J. Liber No. 52 Nov. 21

Dent
Ware
Wilson
J. Hall
Earle
Baker
Chapline
[25]

For the Negative

Worthington
Hammond
H. Hall
Johnson
Mackall
E. Gantt
Grahame
Parran
Smallwood
W. Adams
J. Adams
Edmunson
Lecompte
Bealle
Tilghman
Harris
Selby
Cresap
F. Gantt
Smith
[20]

On Motion M.^{r} Hanson Col.^{o} Cresap M.^{r} Wilson & M.^{r} Mackall have Leave of Absence

The House adjourns 'till 2 of the Clock P. M

The House met

William Murdock Esq.^{r} appeared in the House

Samuel Chase Esq.^{r} brings in and delivers to M.^{r} Speaker the following Report Viz.

p. 285 By the Committee appointed by the Hon.^{ble} Lower House of Assembly to enquire what Laws will expire this Session Do find that the following Laws will expire at the End of this Session unless continued

An Act Entituled an Additional and explanatory Act to the Act Entituled An Act impowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and parishes made at a Session of Assembly begun & held at the City of Annapolis the 10.th Day of May 1748

An Act Entituled an Act for destroying Wolves in Frederick County made at a Session of Assembly begun & held at the City of Annapolis the 15.th Day of May 1751

An Act Entituled an Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors and running of Horse Races near the Yearly Meetings of the people called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings made at a Session of Assembly begun and held at the City of Annapolis the 16.th Day of May 1747 And also one other Act Entituled an Act to prevent certain Evils & Inconveniencies attending the Sale of Strong Liquors and running of Horse Races near the Yearly Meetings of the people called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings made at a Session of Assembly begun and held at the City of Annapolis the 3.^{d} day of June 1752

L. H. J. Liber No. 52 Nov. 21

An Act Entituled An Act for punishment of Horse Stealers and other Offenders made at a Session of Assembly begun and held at the City of Annapolis the 1.st Day of May 1744

An Act Entituled a Supplementary Act to an Act Entituled An Act laying an Imposition on Negroes and several Sorts of Liquors imported and also on Irish Servants to prevent the Importing too great a Number of Irish Papists into this province made at a Session of Assembly begun and held at the City of Annapolis the 20th Day of March 1734

An Act Entituled An Act to enable the several and respective County Clerks within this province to remove some of the County Records and papers from the publick Offices made at a Session begun and held at the City of Annapolis the 10.th Dayof May 1748

An Act Entituled an Act for the more effectual Punishment of certain Offenders and for taking from them the Benefit of Clergy made at a Session of Assembly begun and held at the City of Annapolis the 26.th Day of April 1737

An Act Entituled an Additional Supplementary Act to the Act Entituled An Act relating to Servants and Slaves made at a Session of Assembly begun and held at the City of Annapolis the 10.th Day of May 1748

An Act Entituled an Act for the more effectual Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from certain Offenders and a Supplementary Act to an Act Entituled An Act to prevent the Tumultuous Meetings and other Irregularities of Negroes and other Slaves and directing the Manner of trying Slaves made at a Session of Assembly begun and held at the City of Annapolis the 15.th Day of May 1751

An Act Entituled an Act to exempt persons appearing at Musters from Arrests in Civil Cases made at a Session of Assembly begun and held at the City of Annapolis the 10.th Day of May 1748

An Act Entituled an Act to make the Testimony of convicted Persons legal against convicted Persons made at a Session of Assembly begun and held at the City of Annapolis the 15.th Day of May 1751

An Act Entituled An Act relating to Guardians and Orphans made at a Session of Assembly begun and held at the City of Annapolis the 28.th Day of March 1758

An Act continuing an Act Entituled an Act for the Relief of such persons as cannot find Security for their Appearance to testify as a Witness against any person Arrested accused or prosecuted for any criminal Matter made at a Session of Assembly begun and held at the City of Annapolis the 3.d Day of June 1752

An Act continuing an Act Entituled an Act for the more effectual destroying of Squirrels & Crows in the Counties of Kent Queen

L. H. J. Liber No. 52 Nov. 21 Anns and Talbot and for destroying red Foxes in the said Counties made at a Session of Assembly begun and held at the City of Annapolis the 24.th Day of May 1749

An Act for destroying Crows and Squirrels in particular Counties made at a Session of Assembly begun and held at the City of Annapolis the 22.d Nov.r 1758

An Act for the Speedy and effectual Publication of the Laws of this province & for the Encouragement of Jonas Green of the City of Annapolis printer expired the second Day of April 1765

An Act to establish a Market at the Market House in Chester Town in Kent County and for the Regulation of the said Market made in March Session 1762

An Act for the destroying of Squirrels and Crows in Baltimore County made the same Time

An Act for giving a Bounty for taking Indian Prisoners and other purposes therein mentioned made in 1763

p. 286 An Act for prohibiting all Trade with the Indians for the Time therein mentioned expired the 1.st Day of Nov.r 1764

All which is humbly submitted to the Consideration of this Honourable House

Signed per Order Turbutt Wright Clk

John Ridout Esq.r from the Upper House delivers to Mr Speaker a petition of Samuel Tannehill and John Brashear languishing Prisoners in prince Georges County Goal A petition of John Barnes a languishing Prisoner in Calvert County Goal And the petition of Barton Lucas Severally Indorsed By the Upper House of Assembly

Referred to the Consideration of the Lower House of Assembly which petitions were here read the first Time and Ordered to lye on the Table

Benedict Calvert Esq.r from the Upper House delivers to Mr Speaker the Bill Entituled an Act for the Benefit of the poor and Encouragement of Industry Indorsed By the Upper House of Assembly Nov.r 21. 1765.

Read the 2.d Time and will pass with the following Amendment

Strike out the first proviso beginning in the 21.st Line and insert the following Proviso Viz

Provided that the Linnen for which the Bounty as afs.d is to be given and allowed in pursuance and by Virtue of this Act shall compleatly in all and every Respect be Manufactured (after the swingling the Flax or Hemp) by white persons within this province And that the said Linnen shall be made of Flax or Hemp of the Growth of this province and that such Proof shall be made of the said Manufacture and Growth as the Justices in the County Court to whom Application shall or may be made for the Bounty afores.^d or the Major part of them shall require

L. H. J. Liber No. 52 Nov. 21

Signed by Order UScott Cl Up. Ho

The Bill Entituled an Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs &c was sent to the Upper House by M^r Edmunson and M.^r Fielder Gantt

On Motion of Samuel Wilson Esq.^r Leave is given to bring in a Bill to repeal a Supplementary Act to an Act Entituled an Act for erecting a County School in Worcester County and appointing Visitors for the same

Ordered that Samuel Wilson Esq.^r J. Hammond Esq.^r M.^r J. Adams and James Hollyday Esq.^r do prepare and bring in a Bill accordingly

On Motion of Samuel Wilson Esq.^r Leave is given to bring in a Bill to oblige the prosecutors of particular Offences to pay the Costs of the Prosecution when the person prosecuted shall be acquitted

Ordered that Samuel Wilson Esq.^r J. Hammond Esq.^r M.^r J. Adams and J. Hollyday Esq.^r do prepare and bring in a Bill accordingly

On Motion of Samuel Wilson Esq.^r Leave is given to bring in a Bill to ease the Inhabitants of this Province and to empower the Justices of the several Counties to bind out the persons therein mentioned Apprentices

Ordered that Samuel Wilson Esq.^r J. Hammond Esq.^r M.^r J. Adams J. Hollyday and Thomas Johnson Esq.^rs do prepare and bring in a Bill accordingly

On Motion of M.^r Baker Leave is given to bring in a Bill Entituled An Additional Supplementary Act to the Act Entituled an Act for the Marking Highways &c

Ordered that M.^r Baker Samuel Chase Thomas Johnson Thomas Ringgold and James Hollyday Esq.^rs and Col.^o Tilghman do prepare and bring in a Bill accordingly

On Motion of M.^r Ringgold Leave is given to bring in an Additional Supplementary Act to the Act for the Encouragement of Learning and erecting Schools in the several Counties within this province

Ordered that M.^r Ringgold M.^r J. Hollyday and Col.^o Tilghman do prepare and bring in such Bill

On Motion of M.^r Bealle Leave is given to bring in a Bill to encrease the Allowance of Jurors attending the provincial and County Courts

Ordered that M.^r Bealle M.^r Johnson M.^r F. Gantt M.^r Jacob and M.^r Grahame do prepare and bring in such Bill

L. H. J. Liber No. 52 Nov. 21 On Motion of M.r Gantt Leave is given to bring in a Bill for the Security of Purchasers and others claiming by or from Aliens

p. 287 Ordered that M.r Johnson M.r Gantt Col.o Tilghman and Col.o Cresap do bring in the same accordingly

On Motion of M.r Earle Leave is given to bring in a Bill for the better Support of the poor and erecting Workhouses in the several Counties of this province

Ordered that M.r Earle M.r Chase M.r Ringgold M.r Harris M.r J. Hollyday Col.o Tilghman M.r Johnson and M.r John Hall do prepare and bring in the same accordingly

On Motion of M.r Johnson Leave is given to bring in a Bill to oblige all Free Negroes and Mulattoes to procure Certificates of their Freedom

Ordered that M.r Johnson M.r Plater M.r Grahame and M.r Goldsborough do prepare and bring in a Bill accordingly

On Motion of M.r Johnson Leave is given to bring in a Bill to prevent Lands and Stocks appropriated to the Use of Iron Works being divided into Dower and Thirds and to enable Women under Age to preclude themselves from Dower and Thirds by Agreement before Marriage with their intended Husbands

Ordered that M.r Johnson M.r F. Gantt M.r Hollyday M.r Key M.r R. Goldsborough M.r John Hall M.r Deye M.r Smallwood M.r Wolstenholme M.r Hammond & M.r Smith do prepare and bring in the same accordingly

On Motion of Col.o Tilghman Leave is given to bring in a Bill Entituled a Supplementary Act to the Act relating to the Standard of English Weights and Measures

Ordered that Col.o Tilghman M.r Chase and M.r Hollyday do prepare and bring in the same

On Motion of Col.o Tilghman that a Committee be appointed to draw a Remonstrance to his Excellency the Governor

Ordered that Col.o Tilghman W.m Murdock Thomas Johnson J. Hollyday Sam:l Chase and Thomas Ringgold Esq.rs and M.r Grahame be appointed a Committee for that purpose

On Motion of M.r Wilson the Committee of Accounts are appointed to enquire into the Expences attending the Sitting of Assembly since the passing of the last Journal and to report the same to the House and that they should particularly report the Expence of the Committee of Rooms

The House adjourns 'till the Morrow Morning at 9 of the Clock

Friday 22^d^ Nov.^r^ 1765

L. H. J. Liber No. 52 Nov. 22

All Members appeared as Yesterday except M.^r^ Mackall

On Motion Col.° Lloyd M.^r^ R. Goldsborough M.^r^ Sothoron & Capt.^n^ Winder have Leave of Absence

The Bill Entituled a Supplementary Act to the Act Entituled An Act for the Limitation of certain Actions for Avoiding Suits at Law was read the second Time and will pass and was sent to the Upper House by M^r^ Grahame and M^r^ Bealle

The House adjourns 'till two of the Clock

P. M.

The House met

The Bill Entituled An Act for the more Speedy Foreclosure of Mortgages was read the second Time and committed for Amendments

On Motion Ordered that M.^r^ Grahame & M.^r^ Beall be added to the Committee appointed to enquire into the Allegations & Facts contained in the petition of Joshua Bealle and Capt.^n^ Ware and in the petition of Rezin Bealle and in the petition of Barton Lucas

The House adjourns 'till the Morrow Morning at 9 of the Clock

Saturday 23.^d^ Nov.^r^ 1765

Nov. 23

The House met

All the Members appeared as Yesterday except M.^r^ Hanson Col.° Cresap Col.° Lloyd Capt.^n^ Winder and M.^r^ Robert Goldsborough

The Bill Entituled an Act for the speedy Payment of Sundry persons several Sums of Money allowed to them on Account of the late War was read the second Time and committed for Amendments

The Petition of Thomas Schley and Jeremiah Myar and the petition of Thomas Schley were severally read the second Time and thereupon Ordered that M^r^ Chapline M.^r^ Gantt M.^r^ Johnson and M.^r^ Bealle be appointed a Committee to enquire into the Allegations and Facts contained in the Said petitions and Report the same to the House

On Reading the second Time the Report on the Petition of Mary Covington made by the Committee appointed for that Purpose p. 288

And the petition being read a Second Time on Consideration thereof the same was granted and Leave given to the Petitioner to bring in a Bill according to prayer

The Petition of Henry Troth of Talbot County praying Leave to have a main Road to the Ferry which he keeps over Choptank Ferry [*sic*] was read and granted

L. H. J. Liber No. 52 Nov. 23 Ordered that M.r J. Goldsborough and J. Hollyday Esq.r do prepare and bring in a Bill for that purpose

On Reading the petition of Cornelius Howard of Baltimore County Leave is given to the Petitioner to bring in a Bill according to Prayer

The petition of the Rector Vestrymen Church Wardens and Protestant Inhabitants of All Faiths Parish in St Mary's County praying Leave to have a Quantity of Tobacco to be levied on the Taxable Inhabitants in not less than three Years and for other purposes therein mentioned was read and granted

Ordered that Edmund Key Daniel Wolstenholme George Plater Esq.rs and M.r Sothoron do prepare and bring in a Bill accordingly

Dan.l Dulany Esq.r from the Upper House delivers to Mr Speaker the Bill Entituled an Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs and for other purposes therein mentioned, Indorsed By the Upper House of Assembly 23.d Nov.r 1765 Read the second Time and will pass with the Amendments annexed

Signed by Order UScott Clk Up Ho

And the following Amendments Viz

1.st Leave out the Preamble [*These 14 Amendments which then follow are printed in the Upper House journal, pp. 55-57*]

And the Bill Entituled an Act to repeal the Act Entituled an Act for the Encouragement of such persons as will undertake to build Water Mills Indorsed

By the Upper House of Assembly 22.d Nov. 1765 Read the first Time and ordered to lye on the Table and thus By the Upper House of Assembly 23 Nov. 1765. Read the second Time and will pass.

Signed ꝑ Order
U Scott Clk Up Ho.

p. 289 Which Bill was read here the first Time and Ordered to lye on the Table

On Motion M.r Edmunson M.r E. Gantt M.r Grahame and M.r Dent have Leave of Absence

The House adjourns 'till two of the Clock

P. M.

The House met

The Bill Entituled an Act for the speedy Payment of sundry Persons several Sums of Money allowed to them on Account of the late War was read the second Time and will pass

Thomas Ringgold Esq.r brings in and delivers to Mr Speaker the following Report Viz

By the Committee appointed to examine into the Facts alledged in the Petition of Ann Ogle Benjamin Tasker Esq.r and John Hammond and report the same to the House

L. H. J.
Liber No. 52
Nov. 23

Your Committee in pursuance of the Order of the House have proceeded to examine into the Facts contained in the petition and do humbly report That Samuel Ogle Esq.^r mentioned in the said Petition did by his last Will and Testament Dated the 11.^th Day of February 1752 and duly proved devise to his Son Benjamin Ogle also mentioned in the said Petition who was Heir at Law of the said Samuel Ogle and his Heirs his House and Land in Prince Georges County as also all his Negroes and Slaves together with his Stock of what Kind Soever and Horses (except his English Horses and their Breed) and every Utensil or Implement belonging to or used on his said Plantation in the said County at the Time of his Death and after devising some Legacies did further devise all the rest & Residue of his real and personal Estate of what Nature or Kind Soever either in America Europe or Elsewhere after his Debts or Legacies should be paid to his said Son Benjamin and did by his said Will direct that the Land and Negroes so devised to his said Son should be kept and maintained at the Expences and Risque of his said Son and the Profits arising therefrom accounted for to his Use and Benefit and did constitute and appoint the Petitioner Benjamin Tasker Esq.^r and Col.^o Benjamin Tasker since deceased Executors of his said Will and Guardians to his said Son And by a Codicil to his said Will dated the 15.^th Day of April 1752 and duly proved the said Samuel Ogle Esq.^r after reciting the Devise to his said Son herein above mentioned and that he was apprehensive the said Devise might not be so Advantageous to him by the Directions in the said will that the said Land and Negroes should be kept and maintained at his Risque as if they should be sold Did by the said Codicil revoke and make void the said Devise and Directions to keep and maintain the said Land and Negroes at his said Sons Risque and did direct that the said Negroes Horses and Stock Plantation Implements and Utensils should be sold as conveniently might be and the Money which should be raised thereby applied and reckoned as part of the Residue of his Estate devised to his said Son and that his House and Land mentioned in the said Devise should also be sold by his Executors or the Survivor of them if they or the Survivor of them should judge it most expedient and advantageous for the Benefit of his said Son And the Money arising by the Sale thereof should be also reckoned as part of the personal Estate and placed out at Interest for the Benefit of his said Son That the said Ex̄tors or one of them did after the Death of the said Samuel Ogle Esq.^r sell the said House and Land in Prince George's County under the power given them by the said Will That the Lands mentioned in the Petition are not partārly mentioned in the said Will but that the said Samuel Ogle Esq.^r died Seized of them And that it does not appear to your Committee that any Profits have been drawn from them since the Death of the said Samuel Ogle Esq.^r

L. H. J. Liber No. 52 Nov. 23 All which is humbly submitted to the Consideration of the House.

Signed ꝑ Order Turbutt Wright Clk

p. 290 Which Report was read the first Time and Ordered to lye on the Table

Col.^{o} Cockey Deye brings in and delivers to M^{r} Speaker a Bill Entituled An Act for the further Enlargement of Baltimore Town in Baltimore County

Which was read the first Time and Ordered to lye on the Table

M^{r} Fielder Gantt brings in and delivers to M^{r} Speaker a Bill Entituled An Act to prevent Lands and Stock appropriated to the Use of Iron Works being divided into Dower and Thirds and to enable Women under Age to preclude themselves from Dower and Thirds by Agreement before Marriage with their intended Husbands Which was read the first Time and Ordered to lye on the Table

The House adjourns 'till Monday Morning at 9 of the Clock

Nov. 25

Monday 25.th Nov.^{r} 1765

The House met

All the Members appeared as on Saturday Except Col.^{o} Tilghman M^{r} Edmunson M.^{r} Dent M^{r} Sothoron M^{r} Hammond and M.^{r} H. Hall

M^{r} Allen appeared in the House

The House adjourns 'till two of the Clock

P M

The House met

The Bill Entituled An Act for the speedy payment of sundry persons several Sums of Money allowed to them on Account of the Late War with the List therein referred to (which was read and Assented to by this House) were Sent to the Upper House by M^{r} Worthington and M^{r} E. Gantt

Daniel Dulany Esq.^{r} from the Upper House delivers to M^{r} Speaker the Bill Entituled An Act to prevent the Navigation on Potowmack River Monokasy and Great Conococheague Creeks being Obstructed Indorsed By the Upper House of Assembly Nov. 23.^{d} 1765 Read the Second Time and will pass with the following Amendment

Leave out after the Word "Act" in the 21.st Line of the 1.st Page the following Words Viz And may from and after the 1.st Day of October next so pull down Prostrate and destroy any Dam already in Being in either of the said Creeks to which a Sufficient Lock as aforesaid shall not then be fixed and built and insert in the place thereof the foll^{g} Words Viz And also may after the End of this present Session of Assembly pull down abate Prostrate and destroy any Fish Dam already in Being in the River aforesaid or in either of the said Creeks

L. H. J.
Liber No. 52
Nov. 25

Signed per Order UScott Cl Up. Ho.

And the Petition of Richard Freeman and John Woods languishing Prisoners in Calvert County Goal and of Nich.ˢ Minskie languishing Prisoner in Ann Arundel County Goal severally Indorsed "By the Upper House of Assembly Referred to the Consideration of the Lower House of Assembly" Which petitions were here read and Ordered to lie on the Table

M.ʳ Fielder Gantt bring in and delivers to Mʳ Speaker a Bill Entituled an Act for the Security of Purchasers & others being Protestants claiming by or from Aliens which was read the first Time and Ordered to lye on the Table

The Bill Entituled An Act for the further Enlargement of Baltimore Town in Baltimore County was read the Second Time and will pass and was sent to the Upper House by Capt.ⁿ Cockey Deye and M.ʳ J. Hall.

Benedict Calvert Esq.ʳ from the Upper House delivers to Mʳ Speaker a petition of John Lanham a languishing Prisoner in Frederick County Goal Indorsed "By the Upper House of Assembly" Referred to the Consideration of the Lower House of Assembly which petition was here read and Ordered to ly on the Table

The Petition of the Rector Vestrymen Church Wardens and parishioners of S.ᵗ Andrews Parish in S.ᵗ Marys County praying Leave to have a Quantity of Tobacco Assessed in not less than three Years to be applied to the Building a Parish Church and other purposes was read and granted

Ordered That George Plater Edmund Key and Daniel Wolstenholme Esq.ʳˢ do prepare and bring in a Bill acco̅.ˡʸ

The petition of the Vestrymen Church Wardens and parishioners of S.ᵗ Pauls parish in Kent County praying a Quantity of Tobacco already raised to be applied towards the Building a Vestry House was read and granted. Ordered that Thomas Ringgold Esq.ʳ Col.ᵒ Lloyd and Mʳ Buchanan do prepare and bring in a Bill accordingly

Samuel Wilson Esq.ʳ brings in and delivers to Mʳ Speaker a Bill Intitled An Act to ease the Inhabitants of this province and to empower the Justices of the several Counties to bind out the persons therein mentioned Apprentices which was read the first Time and Ordered to ly on the Table

J. Hollyday Esq.ʳ brings in and delivers to Mʳ Speaker a Bill Entituled An Act to revive and aid the proceedings of Cæcil County Court which was read the first Time and Ordered to ly on the Table

M.ʳ J Hall brings in and delivers to Mʳ Speaker A Bill Entituled An Act for regulating Innholders and Ordinary Keepers within this

L. H. J. Liber No. 52 Nov. 25 province which was read the first Time and Ordered to ly on the Table

The House adjourns 'till to Morrow Morning at 9 of the Clock

Nov. 26 Tuesday Nov.r 26

p. 291 The House met

Col.o Tilghman and Mr Gibson appeared in the House

Samuel Wilson Esq.r brings in and delivers to Mr Speaker A Bill Entituled An Act to empower Mary Covington Adm̄ix of Philip Covington late of Somerset County dece'd to sell and dispose of the Lands of the said Philip for the purposes therein mentioned which was read the first Time and Ordered to ly on the Table

The House adjourns till two of the Clock

P. M

The House met

Col.o Lloyd appeared in the House

On Reading the Amendments proposed by the Upper House to the Bill Entituled An Act for the Relief of several languishing Prisoners in the Goals therein mentioned this House doth not concur with the second Amendment

Ordered that a Message be sent to the Upper House acquainting them therewith and that J. Hollyday Esq.r and Col.o Tilghman do prepare and bring in the same

Benedict Calvert Esq.r from the Upper House delivers to Mr Speaker the following Message Viz

By the Upper House of Assembly Nov.r 26. 1765

Gentlemen

We return you the Bill Entituled An Act for the speedy Payment of sundry Persons several Sums of Money allowed to them on Account of the late War as Negative because we think that there are other persons equally entitled to Satisfaction from the public who ought to be considered at the same Time with those who are favoured by the above Bill

Signed by Order UScott Cl Up Ho

And the Bill Entituled An Act for the speedy Payment of sundry persons several Sums of Money allowed to them on Account of the late War Indorsed By the Upper House of Assembly Nov.r 25. 1765 Read the second Time and will not pass

Signed by Order UScott Cl Up Ho

And the List referred in the Bill and a petition of Alexander Somervelle Indorsed By the Upper House of Assembly Read and referred to the Consideration of the Lower House of Assembly which was here read the first Time and Ordered to ly on the Table

L. H. J. Liber No. 52 Nov. 26

And the Bill Entituled An Act for the further Enlargement of Baltimore Town in Baltimore County Indorsed "By the Upper House of Assembly Nov.r 26. 1765 Read the Second Time and will pass.

Signed by Order UScott Cl Up. Ho.

which Bill was read here and passed for Ingrossing

On Reading the Amendments proposed by the Upper House to the Bill Entituled An Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs &c Ordered That a Message be prepared and sent to the Upper House signifying to which Amendments this House doth and to which it doth not agree And that Thomas Ringgold Esq.r and M.r Grahame do prepare and bring in a Message accordingly

Thomas Ringgold Esq.r brings in and delivers to Mr Speaker A Bill Entitled A Supplementary Act to the Act Entitled an Act relating to the Standard of English Weights and Measures Also a Bill Entitled an Additional Supplementary Act to the Act for the Encouragement of Learning and erecting Schools in the several Counties within this province And the Bill Entitled An Act to aid defective common Recoveries Which Bills were severally Indorsed Read the first Time and Ordered to ly on the Table

The House adjourns 'till the Morrow Morning at 9 of the Clock

Wednesday Nov.r 27.

Nov. 27

The House met

Col.o Tilghman brings in and delivers to Mr Speaker a Bill Entitled An Act for Issuing Writs of Replevin out of the County Courts of this Province which was read the first Time and Ordered to ly on the Table

The House adjourns 'till two of the Clock

P. M

The House met

M.r Robert Goldsborough Thomas Johnson and John Hammond Esq.rs appeared in the House

p. 292

The Petition of Alexander Somerville was read the second Time and thereupon Ordered that Mr Bealle Dan.l Wolstenholme Esq.r and M.r Grahame be a Committee to enquire into the Allegations and Facts contained in the s.d Petition and make Report thereof to the House

The Petition of John Barnes praying Releasement he being detained in the Custody of the Sheriff of Calvert County on Execution at Suit of many Creditors for Debts which he is unable to satisfy

L. H. J. Liber No. 52 Nov. 27

was read the second Time and on the Question put the said Petition was rejected

On Reading the second Time the Report made by the Committee appointed to examine the Allegations and Facts contained in the petition of Ann Ogle Benjamin Tasker and John Hammond

And the petition being again read On Consideration thereof the same is granted and Leave given to bring in a Bill according to prayer

Mess.rs Murdock Tilghman and Ringgold deliver to Mr Speaker their Accounts of Expences to New York and the Business by them transacted there as a Committee appointed by this House to meet Committees from the other Colonys in North America And also a Copy of the Letter sent by them to Charles Garth Esq.r with the Address to his Majesty and the Memorial and Petition to the Lords and Commons in the British Parliament

The House taking into Consideration the said Account and Letter and all other the Proceedings of the said Committee do unanimously approve of the same and do resolve that the Thanks of this House be delivered by Mr Speaker to the said W.m Murdock Edward Tilghman and Thomas Ringgold Esq.rs in their places for their Conduct in the Execution of the Trust reposed in them by this House at the late Congress at New York

In pursuance thereof M.r Speaker delivered the Thanks of the House in the following Manner

M.r Murdock Col.o Tilghman and M.r Ringgold

Gentlemen

The House have perused and fully considered the whole Proceedings of the Congress lately held at New York which you have laid before them and as a Testimony that they highly approve of the Manner in which you have executed the Great Trust reposed in you in every Respect they have unanimously resolved that the Thanks of this House should be given you And it is with great pleasure I now do it as I am sensible that Conduct that has given such Satisfaction to the Members of this House will merit the Approbation of all the Well Wishers of this Country when the whole Affair shall at a proper Season be communicated to them

To which the Gentlemen made the following Answer

Mr Speaker

Our Conduct in the Execution of the Trust reposed in us having met the unanimous Approbation of this Honourable House which we have had the Pleasure of receiving from you Sir Nothing is wanting to compleat our Wishes upon this Interesting Occasion but that we may be found to have been in any Degree Instrumental in promoting the true Interests of Great Britain and her Colonies in North America

L. H. J. Liber No. 52 Nov. 27

The Letter to Charles Garth Esq.^{r} being again read

On Motion of M.^{r} Worthington Ordered that Col.^{o} Tilghman W.^{m} Murdock Thomas Ringgold J. Hollyday and Daniel Wolstenholme Esq.^{rs} and M.^{r} Grahame be appointed a Committee to draw proper Instructions to be transmitted by the Speaker to the said Cha.^{s} Garth Esq.^{r} with a Copy of the Address to his Majesty and the Memorial and Petition to the Lords and Commons in Parliament and to advise him of the Concurrence of this House with the Proceedings of the Congress at New York

Thomas Ringgold Esq.^{r} brings in and delivers to M.^{r} Speaker a Bill Entituled An Act for the Building a Vestry House at S.^{t} Pauls Church in Kent County which was read the first Time and Ordered to lye on the Table

George Plater Esq.^{r} brings in and delivers to M.^{r} Speaker A Bill Entituled An Act for the preservation of the Breed of Fish and other purposes therein mentioned which was read the first Time and Ordered to lye on the Table

George Plater Esq.^{r} brings in and delivers to M^{r} Speaker A Bill Entitled An Act to enable the Justices of S.^{t} Mary's County Court to assess and levy on the Taxable Inhītants of S.^{t} Andrews Parish a Quantity of Tobacco for Building a Church and for other purposes therein mentioned And a Bill Entitled an Act to enable the Justices of S.^{t} Mary's County Court to assess and levy on the Taxable Inhītants of All Faiths parish a Q̄ty of Tob.^{o} and for other purposes therein mentioned which said Bills were severally read the first Time and Ordered to lye on the Table

The Bill Entitled An Act for the more speedy Foreclosure of Mtges was read the second Time and will not pass

On Reading the Amendments proposed by the Upper House to the Bill Entitled An Act for the Benefit of the Poor & Encouragement of Industry this House doth not agree thereto

Ordered that a Message be prepared and sent to the Upper House signifying the same And that Col.^{o} Tilghman and Tho.^{s} Ringgold Esq.^{r} do bring in a Message accordingly

The House adjourns 'till the Morrow Morning at 9 of the Clock p. 293

Thursday 28 Nov.^{r} 1765 Nov. 28

The House met

M.^{r} Heath appeared in the House

The following Message Viz

By the Lower House of Assembly 9.th 28. 1765

May it please Y^{r} Hon.^{rs}

This House agrees to all the Amendments proposed by you to the Bill for the Relief of Prisoners except that obliging single Persons

L. H. J.
Liber No. 52
Nov. 28

to Servitude however right it may be in a Gen.^{l} insolv.^{t} Act that ꝑsons of suffic.^{t} Ability of Body to labour and not having Wives or Familys should be obliged to a reasonable Time of Servitude for the Benefit of their Creditors upon their being relieved from Goal We cannot think it would be just in the present Case as several of the Prisoners who will be the Objects of this Bill may probably long since have Offered those Terms to their Creditors and having since suffered considerably by their Confinement in Goal we hope Y.^{r} Hon.^{rs} will not desire the Hardships of Servitude sho.^{d} be added thereto. And as we are greatly affected by the unhappy Circumstances of the Prisoners and especially as the extreme cold Season of the Year is nearly approaching We hope y^{r} Hon.^{rs} will not adhere to that Amendment

Signed ꝑ Order MMacnemara Cl Lo. Ho.

was sent to the Upper House with the Bill Entitled An Act for the Relief of several languishing Prisoners in the Goals therein mentioned by M^{r} Plater and M^{r} Parran

The following Message Viz

By the Lower House of Assembly

May it please y^{r} Hon.^{rs}

This House have agreed to all the Amendments proposed by y^{r} Hon.^{rs} to the Bill Entitled an Act to prevent the Mischiefs, arising from the Multiplicity of Useless Dogs & for other purposes therein mentioned Except the 5.th & the latter Part of the 12.th Viz And of the Sum which shall or may be allowed to the Clerks as afs.^{d} the Fund to be raised by the Bill will we apprehend be too small to admit of any Allowance to the County Clerks out of it for their Trouble and rather than take any Thing from the Fund for that purpose we would agree to wave imposing that Duty on the Clerk & have the Sheriffs to make the Charge ag.^{t} the people from the Constables Original List a Duplicate of which being lodged in Court as the Lists of Taxables are may be a Sufficient Check on the Account to be rendred by the Sheriff to the Court

Signed ꝑ Order MMacnemara Cl Lo Ho.

was sent to the Upper House with the Bill Entitled an Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs and for other purposes therein mentioned by M^{r} Baker & Col.^{o} Travers

Benedict Calvert Esq.^{r} from the Upper House delivers to M^{r} Speaker a petition of sundry ꝑsons Inhītants of the T.^{n} of Chester & sundry other persons of Kent County Indorsed

By the Upper House of Assembly Referred to the Consideration of the Lower House of Assembly which petition was here read the first Time and Ordered to lye on the Table

The House adjourns 'till 2 of the Clock

P M

L. H. J.
Liber No. 52
Nov. 28

The House met

On Reading the Bill Entitled An Act to prevent the Navigation of Patowmack River Monocasy & Conococheague Creeks being obstructed with the Amendments proposed by the Upper House this House doth not agree therewith

And Ordered that a Message be prepared and sent to the Upper House signifying the same

Ordered that M^{r} Johnson and M^{r} Fielder Gantt do prepare and bring in a Message accordingly

The Bill Entitled an Act to aid and revive the Proceedings of Cæcil County Court was read the second Time and will pass and was sent to the Upper House by Col.^{o} Hyland and M^{r} Baker

Thomas Ringgold Esq.^{r} brings in and delivers to M^{r} Speaker the following Report Viz

By the Committee appointed to report to the House their Opinion of what will be the best Way of disposing of the public Money in the Treasury & paper Currency Office belonging to the Country and of the Capital Bank Stock that will belong to the Country after Payment to all the private Proprietors of the Paper Bills of Credit and also the best Method to support the Trade and Commerce of this Province at this Time when Specie is so scarce among us p. 294

Your Committee are of Opinion that the most advantageous Way of disposing of the public Money in the Treasury and paper Currency Office will be to have it sold for Bills of Exchange and that the Bills purchased therewith be converted into Capital Stock of the Bank of England to be an Addition to the Stock already the Property of this ꝑvince and that to supply the Want of Specie and support the Trade and Commerce of this ꝑvince Paper Bills of Credit be emitted redeemable in ten Years by Bills of Exchange to be then drawn on the Sale of so much of the said Stock as may be necessary to sink them and to that End your Committee submit the following Scheme to the Consideration of the Hon.^{ble} House

Funds for Sinking Bills of Credit

D^{r}

	Sterl
To Bills of Credit to be sunk in 10 Years 135,000 Dollars at 4/6 ꝑ Dol.^{r} The Bills to be emitted in the Denomination of Dollars & Aliquot Parts of a Dollar..................................	£30,375..0..0
Balance of Stock remaining at the End of ten years the Property of the Province to the Value of....	£20,025..0..0
	£50,400..0..0

L. H. J.
Liber No. 52
Nov. 28

C^{r}

	Sterl
By Bank Stock unsold suppose £20,000. w.^{ch} at 25 ꝑ Cent is worth..........................	£25,000..0..0
By Balance of Cash in the Loan Office £1464.16.^{s} 11^{d} in Silver at 33⅓ ꝑ Cent 10108..18..8 in Gold at 40 ꝑ Cent or thereabouts will produce upw.^{ds} of..	£8,000..0..0
By Money in the Hands of the Treasur^{rs} belong.^{g} to the province which for want of their Acco.^{ts} cannot be ascertained we Suppose will not be less than the Value of..............................	£3,000..0..0
	£36,000..0..0
This Sum of £36,000 being invested in the Capital Stock of the Bank of Engl.^{d} (w.^{ch} at this Time brings an Annual Dividend of 5 ꝑ Cent) will produce in ten Years at simple Interest..........	£14,400..0..0
	£50,400..0..0

the Dividends received every six Months & regularly invested in Capitol Stock will in the 10 Y.^{rs} produce more than will pay the Expence of executing this Scheme in England and the Expence here may be paid out of the Money collected by the Naval Officers appropriated by several Laws to the Use of the province as the Naval Officers Com̄isons were for collecting the 15d ꝑ Hh.^{d} under the £90,000 Act [of 1732]

[Nov. 28, 1765] Signed ꝑ Order Henry Wilkins Clk

which was read the first Time and Ordered to lye on the Table

The Bill Entitled an Act to empower Mary Covington Adm̄ix of Philip Covington late of Som^{set} County deced to sell & dispose of the Lands of the said Philip for the purposes therein mentioned was read the second Time and will pass And was so sent to the Up^{r} Ho. by M^{r} Wilson & M^{r} Sulivane

The Bill Entitled an Act for the Security of Purchasers and Others being Protestants claiming by or from Aliens

Was read the second Time and will pass and was sent to the Upper House by M^{r} E. Gantt & M^{r} Jacob

The Bill Entitled An Act to ease the Inhītants of this province and to empower the Justices of the several Counties to bind out the ꝑsons therein mentioned Apprentices

Was read the second Time and committed for Amendments

The Bill Entitled an Act of Issuing Writs of Replevin out of the County Courts of this province was read the Second Time and will pass and was sent to the Upper House by M^{r} Wright and M^{r} Gibson

L. H. J. Liber No. 52 Nov. 28

The Bill Entitled an Act to enable the Justices of S.t Marys County Court to assess and levy on the Taxable Inhabitants of S.t Andrews Parish a Q̄ty of Tob̄o &c was read the second Time & will pass

The Bill Entituled an Act to enable the Justices of S.t Mary's County Court to assess and levy on the Taxable Inhītants of All Faiths Parish a Qty of Tobo &c was read the second Time and will pass

The Bill Entituled an Act for the Building a Vestry House at S.t Pauls Church in Kent County was read the second Time and will pass

The Humble Petition of sundry Inhītants of Kent County was read the second Time and Leave given to bring in a Bill according to prayer p. 295

Ordered that Thomas Ringgold Esq.r Col.o Lloyd and Mr Buchanan do prepare and bring in a Bill accordingly

The Bill Entituled an Act to repeal the Act Entituled an Act for the Encouragement of such ꝑsons as will undertake to build Water Mills was read the second Time and will not pass

The Bill Entituled an Act to aid defective com̄on Recoverys was read the second Time and will pass

Mr William Adams has Leave of Absence

Mr Goldsborough brings in and delivers to Mr Speaker the Journal of Accounts

Ths House adjourns 'till the Morrow Morning at 9 of the Clock

Fryday Nov.r 29. Nov. 29

The House met

Mr Lee appeared in the House

Mr Lecompte has Leave of Absence

The Bill Entitled An Act to enable the Justices of S.t Mary's County Court to assess and levy on the Taxable Inhītants of S.t Andrews parish &c And the Bill Entitled An Act to enable the Justices of S.t Mary's County Court to assess and levy on the Taxable Inhītants of All Faiths parish &c were sent to the Upper House by Mr Plater and Mr Heath

The Bill Entitled an Act to repeal the Act Entitled An Act for the Encouragement of such ꝑsons as will undertake to build Water Mills was sent to the Upper House by Mr Ward and Capt.n Ware

The Bill Entitled an Act to aid defective Com̄on Recoveries was sent to the Upper House by M.r Allen and M.r Sulivane

The Bill Entitled An Act for the Building a Vestry House at S.t Pauls Church in Kent County was sent to the Upper House by Mr Ringgold and M.r Buchanan

L. H. J. Liber No. 52 Nov. 29 The Bill Entitled a Supplementary Act to the Act Entitled An Act relating to the Standard of English Weights and Measures was read the Second Time and will pass and was sent to the Upper House by M^r^ Gibson and Capt.^n^ Cockey Deye

M.^r^ J Hall brings in and delivers to M^r^ Speaker the following Report Viz

By the Committee appointed by the Hon.^ble^ Lower House of Assembly to enquire into the Allegations and Facts contained in the Petition of the Inhītants of Baltimore Town in Baltimore County

Your Committee pursuant to the Order and Appointm.^t^ of y^r^ Hon.^ble^ House have enquired into the sev^l^ Facts & Allegations contained in the s.^d^ petition & find from the Information of a Member of the Hon.^ble^ House that a Market House has been built & from a Sight of the Lease in the said petition mentioned they find that it has been made by the said Thomas Harrison in the petition mentioned to William Lyon Nicholas Ruxton Gay John Moale and Andrew Buchanan as to a Majority of the Com.^rs^ of the s.^d^ Baltimore Town and we also find that the Lease appears to have been duly executed and acknowledged but does not appar to be recorded Your Committee also find upon looking into the several Acts of Assembly made for the further Enlargement of the said Baltimore Town that Com.^rs^ were appointed with a power to continue the Succession for the purposes of making Regulations on certain Occasions and recovering Claims that might arise in Consequence of those Regulations but it does not appear that they are a Body Corporate with a Suff.^t^ Capacity to take a Lease for the Use of the s.^d^ Town

All which is humbly submitted to the Consideration of the Hon.^ble^ House

Signed ꝑ Order John Duckett Jun.^r^ Clerk

Which was read the first Time and Ordered to lye on the Table

On reading the foll^g^ Message Viz

By the Lower House of Assembly Nov.^r^ 29. 1765

May it please Y^r^ H.^rs^

We herewith return you the Bill Entitled An Act to prevent the Navigation on Patowmack River Monockasy and great Conococheague Creeks being Obstructed. It is represented to this House p. 296 that there is at present no Mill Dam of any Kind on either Monokasy or Great Conococheague Creek except a Saw Mill Dam on Conococheague near its Mouth and that the Builder of that Dam was by the Erection of it a Trespasser on the property of another as that Dam if suffered to remain in its present State will entirely prevent Navigation on Conococheague and the Builder erected it not only without any Encouragement from our Laws in Being but against

L. H. J.
Liber No. 52
Nov. 29

Law this House thought him very tenderly dealt with by this Bill in only being obliged to make a Sufficient Lock by the first Day of October next in which private Interest and public Convenience are intended as far as they can to be reconciled. We therefore hope that on reconsidering the Mr̄e the same Reasons that influences this House will induce your Hon.^{rs} to wave y.^{r} proposed Amendment

Signed ꝑ Order M. Macnemara Cl Lo. Ho

The Question was put That the House do approve the Same

Resolved in the Affirmative

For the Affirmative

Plater
Ringgold
Worthington
Johnson
E Gantt
J. Adams
Ware
J. Goldsborough
Sulivane

R. Goldsborough
Travers
Cockey Deye
Lee
J. Hall
Heath
Baker
Murdock
Bealle

Jacob
Tyler
Chase
J. Hollyday
Wright
Allen
Harris
F. Gantt

[26 or 27]

[*Wilson is included in Green's Votes and Proceedings*]

For the Negative

Parran
Hyland
Ward

Tilghman
Selby
Chapline

Smith

[7]

which Message was ingrossed and sent to the Upper Hō with the Bill Entitled An Act to prevent the Navigation of Patowmack River Monokasy & Conococheague Creeks being obstructed by M.^{r} ffielder Gant & M^{r} Lee

On Reading the second Time the Report bro.^{t} in by M^{r} J. Hall the House concurs therewith

Ordered That Capt.^{n} Cockey Deye M^{r} Lee M^{r} J. Hall M^{r} Heath & Edmund Key Esq.^{r} do prepare & bring in a Bill accordingly

Dan.^{l} Dulany Esq.^{r} from the Upper House brings in and delivers to M^{r} Speaker the petition of the Visitors of the Free School of Kent County Indorsed By the Upper House of Assembly Referred to the Consideration of the Lower House

The Bill Entitled An Act for Issuing Writs of Replevin out of the County Co.^{ts} Indorsed Read the 2.^{d} Time & will not pass—The Bill Entitled An Act for the Building a Vestry House at S.^{t} Pauls Church in Kent County—The Bill Entitled An Act to enable the Justices of S.^{t} Marys County Court to asses & levy on the Taxable Inhītants of S.^{t} Andrews parish a Qty of Tob.^{o} &c—The Bill En-

L. H. J. Liber No. 52 Nov. 29 titled An Act to enable the Justices of S.t Mary's County Co.t to assess and levy on the Taxable Inhitants of All Faiths parish a Qty of Tobo &c—The Bill Entitled An Act to aid & revive the proceedings of Cæcil County Court—The Bill Entitled An Act to empower Mary Covington Admix of Philip Covington late of Somset County deced to sell and dispose of the Lands of the s.d Philip for the purposes therein mentioned—The Bill Entitled A Supplementary Act to the Act Intitled An Act relating to the Standard of English Weights & Measures Severally Indorsed By the Upper Ho of Assembly Nov.r 29 1765 Read the 2d Time and will pass

Signed by Order U: Scott Cl Up. Ho

And the Bill Entitled An Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs and for other Purposes therein mentioned with the following Message Viz

By the Upper House of Assembly Nov.r 29.th 1765

Gentlemen

You having proposed to take off the Duty imposed upon the Clerk by the Bill and our Amendment having been made only in Consequence of that Duty we are willing to give it up upon the Bill's being varied acco' to your last proposition

Signed by Order U. Scott Cl Up. Ho.

p. 297 All the Bills w.ch were read the 2d Time & passed by the Up.r Ho were severally Read here and passed for Ingrossing

The following Message Viz

By the Lower House of Assembly Nov.r 28 1765

May it please Yr Hon.rs

This House have considered the Amendment proposed by yr Hon.rs to the Bill Entitled An Act for the Benefit of the poor & Encouragem.t of Industry & as we understand the Force of that Amendm.t it extends to apply the Bounties raised in any parlar County to Linens Manufactur'd in any part of the Province w.ch we aprhend wo.d not properly encourage Manufacturers of Linen in every County but that the Inhitants of parlar Counties who are already considerably Skilled in that Manufacture might get all the Bounties in the Province which would tend to discourage Others from Attempting it We therefore cannot agree to Y.r Honours Amendm.t so extensively but are willing the Flax or Hemp of w.ch the Linen is made shall be of the Growth and Manufacture of any ꝑ.t of the ꝓvince provided the Spinning the Thread and Weaving & Whitening the Linen be confined to the parlar County that pays the Bounty and we hope your Hon.rs will consent that the Bill be amended agreeable to this proposal

Signed per Order M. Macnemara Cl Lo Ho

L. H. J.
Liber No. 52
Nov. 29

was sent to the Up.^{r} Ho with the Bill Entitled An Act for the Benefit of the Poor & Encouragement of Industry by M.^{r} E Gantt & M.^{r} R. Goldsborough

The petition of the Visitors of the School of Kent County was read the first Time and Ordered to lye on the Table

The House adjourns 'till 2 of the Clock

P M

The House met

The Journal of Accounts was read and Assented to

On Motion the previous Queōn being determined the Queōn was put whe.^{r} the Journal & List of Debts on Account of the late War with a Message desiring the Concurrence of the Upper House therewith? Or Whe.^{r} the Journal shall be sent up Alone? Resolved that the Journal & List of Debts on Account of the late War be sent to the Upper Hō with a Message desiring the Concurrence of the Upper House therewith

For sending up the Journal with the List of Debts & a Message

Plater
Key
Wolstenholme
Lloyd
Buchanan
Grahame
Parran
Ware
Wilson
J. Adams
J. Goldsborough
Gibson
Sulivane
R. Goldsborough
Travers
Cockey Deye
Lee
J. Hall
Heath
Baker
Ward
Beall
Jacob
Tyler
Chase
J. Hollyday
Wright
Allen
Harris
Selby
F. Gantt
Chapline
Smith [33]

For sending up the Journal alone

Ringgold
Worthington
Hammond
Johnson
E Gantt
Smallwood
Earle
Hyland
Murdoch
Tilghman [10]

On Motion Ordered that J. Hollyday Sam.^{l} Chase Edmund Key Esq.^{rs} and M.^{r} Grahame do prepare and bring in a Message to be sent up with the Journal & List of Debts

Benedict Calvert Esq.^{r} from the Up.^{r} Ho delivers to M.^{r} Speaker the Bill Intitled An Act to prevent the Navigation on Patowmack River Monockasy and Conococheague Creeks being obstructed

And the following Message Viz

By the Up.^{r} Ho of Assembly Nov.^{r} 29. 1765

Gent.^{n}

Our Reason for proposing the Amendm.^{t} to the Bill Entitled An Act to prevent the Navigation on Patomack River Monockasy

L. H. J. Liber No. 52 Nov. 29

and great Conococheague Creeks being obstructed was because we thought that private Property acquired or improved under the General Credit and Faith of Our Laws ought not to be affected by a Subsequent Act, who or whe.^{r} any ꝑson might be affected by the Act were it to pass according to its Original Frame we did not enquire for if none would be affected that part of the Bill we proposed to amend would be improper for Want of an Object and if any would be affected it would be productive of an Effect not consistent with either policy or Justice p. 298

Upon reconsidering the Matter and perusal of your Message no Reason occurs to us to induce an Alteration of the Opinion we formed upon the Reasons we have explained nor do we perceive on this Occasion a Competition of Interests in which a Regard to the Welfare of the Public ought to be preferred to that of a single person or why it would not be more equitable to provide for the General Convenience at the General Expence than by an Injury to private property gained or rendred more valuable under the Faith & Credit of existing Laws

Signed by Order UScott Cl Up. Ho

M.^{r} J. Goldsborough delivers to M.^{r} Speaker a Bill Entitled an Act to establish a Road from Hunting Creek in Dorchester to Dover in Talbot County which was read the first Time and Ordered to lye on the Table

On Reading the Second Time the Report bro.^{t} in by M.^{r} Chase relative to the Laws that will expire (if not revived) this Session the House concurs therewith

Ordered that the Committee which was appointed to revise the Laws do prepare and bring in the several Bills which this House directed to be brought in mentioned in said Report

On Reading the following Message viz

By the Lower House of Assembly Nov.^{r} 29. 1765

May it please y.^{r} Hon.^{rs}

We herewith send you the Journal of Accounts and List of Debts incurred on Account of the late War which we hope your Honours will assent to

The Question was put that this House do approve the same?

Resolved in the Affirmative

For the Affirmative

Plater
Key
Wolstenholme
Lloyd
Buchanan
Gibson
Sulivane
R. Goldsborough
Travers
Cockey Deye
Jacob
Tyler
Chase
J. Hollyday
Wright

L. H. J.
Liber No. 52
Nov. 29

Grahame
Parran
Ware
Wilson
J. Adams
J. Goldsborough
Lee
J. Hall
Heath
Baker
Ward
Beall
Allen
Harris
Selby
F. Gantt
Chapline
Smith [33]

For the Negative

Ringgold
Worthington
Hammond
Johnson
E. Gantt
Smallwood
Earle
Hyland
Murdock
Tilghman [10]

The Journal of Accounts List of Debts and the aforegoing Message signed per Order were sent to the Upper House by the Hon.^{ble} Gent.^{n} of the Committee of Accounts

M.^{r} Worthington brings in and delivers to M^{r} Speaker the following Report Viz

At a Committee of both Houses of Assembly appointed to inspect the Office and proceedings of the Com.^{rs} for Emitting Bills of Credit established by Act of Assembly

[*This lengthy report on the Loan Office which follows in the Lower House journal is printed in full in the Upper House journal, pp. 63-68*]
which was read the first Time and Ordered to lye on the Table p. 301

The Bill Entitled An Act for the preservation of the Breed of Fish and other purposes therein mentioned was read the second Time and referred to the Consideration of next Assembly

The House adjourns 'till the Morrow Morning at 9 of the Clock

Saturday 30.th Nov.^{r} 1765 Nov. 30

The House met

M.^{r} J. Goldsborough has Leave of Absence

On Motion that the Report brought in by Thomas Ringgold Esq.^{r} the 28.th Instant [*pp. 183-184*] be read the 2^{d} Time

On the previous Question being determined

The Question was put whe.^{r} the House will take into Consideration the Report made by the Committee appointed to Report to the House their Opinion what will be the best Way of disposing of the Public Money in the Treasury and paper Currency Office belonging to the Country and of the Capital Bank Stock that will belong to the Country after payment to all the private Proprietors of the paper Bills of Credit And also the best Method to support the Trade and

L. H. J.
Liber No. 52
Nov. 30

Commerce of this Province at this Time when Specie is so scarce among us? or Not

Resolved in the Affirmative

For the Affirmative

Plater
Key
Wolstenholme
Lloyd
Buchanan
Grahame
Parran
Wilson
J. Adams
J. Goldsborough
Gibson
Sulivane
R. Goldsborough
Travers
Cockey Deye
Lee
J. Hall
Heath
Baker
Ward
Chase
J. Hollyday
Allen
Harris
Selby
F Gantt
Chapline
[27]

For the Negative

Ringgold
Worthington
Hammond
Johnson
E. Gantt
Smallwood
Ware
Earle
Hyland
Murdock
Bealle
Jacob
Tyler
Tilghman
Wright
Smith
[16]

p. 302

On Consideration of the aforesaid Report the Question was put that the House concurs therewith

Resolved in the Negative

For the Affirmative

Ringgold
Worthington
Hammond
Johnson
E. Gantt
Grahame
Ware
Smallwood
Travers
Cockey Deye
Earle
Hyland
Ward
Murdock
Bealle
Jacob
Tyler
Tilghman
J. Hollyday
Smith
[20]

For the Negative

Plater
Key
Wolstenholme
Lloyd
Buchanan
Parran
Wilson
J. Adams
J Goldsborough
Gibson
Sulivane
R. Goldsborough
Lee
J. Hall
Heath
Baker
Chase
Wright
Allen
Harris
Selby
F. Gantt
Chapline
[23]

L. H. J.
Liber No. 52
Nov. 30

On Motion the Question was put that this House do resolve that they will apply the Bank Stock in England the Ballance of Cash in the Loan Office and all the Money in the Hands of the Treasurers belong^{g} to the province Except £500 to be left in each Treasurers Hands as part of a Public Fund for the Emission of Bills of Credit to the Amount of 140,000 Dollars at 4/6 ꝑ Dollar to be emitted in the Denomination of Dollars & Aliquot ꝑ.^{ts} of a Dollar and delivered to such of the Public Creditors who will accept of the Same in Discharge of the Debts due to them from the public

Resolved in the Negative

For the Affirmative

Plater
Key
Wolstenholme
Buchanan
Parran
Wilson
J. Adams
J. Goldsborough
Gibson
Sulivane
R. Goldsborough
Travers
J. Hall
Heath
Baker
Chase
Allen
Harris
Selby
F. Gantt
20

For the Negative

Ringgold
Lloyd
Worthington
Hammond
Johnson
E. Gantt
Grahame
Smallwood
Ware
Cockey Deye
Earle
Hyland
Ward
Murdock
Bealle
Jacob
Tyler
Tilghman
Hollyday
Wright
Smith
21

On Motion resolved that this House will apply the Bank Stock in England the Ballance of Cash in the Loan Office and all the Money in the Hands of the Treasurers belonging to the ꝑvince Except £500 to be left in each Treasurers Hands as a public Stock for the Emission of Bills of Credit to the Amount of 140,000 Dollars at 4/6 ꝑ Dollar to be emitted in the Denomination of Dollars & aliquot ꝑts of a Dollar & delivered to such of the Public Creditors who will accept of the Same in Discharge of the Debts due to them from the Public

The House adjourns 'till Monday Morning at 9 o Clock

Monday 2^{d} Dec.^{r} 1765

Dec. 2

The House met

All appeared as on Saturday Except M.^{r} E. Gantt M.^{r} Heath M.^{r} Hammond M.^{r} J. Goldsborough & M.^{r} Murdock

M.^{r} Edmunson appeared in the House

L. H. J. Liber No. 52 Dec. 2 The petition of the School of Kent County was read the Second Time and granted and Leave given to bring in a Bill acco' to prayer

Ordered that Thomas Ringgold Esq^{r} Col.^{o} Lloyd and M.^{r} Buchanan do prepare and bring in a Bill accordingly

The House adjourns 'till 2 of the Clock

P. M

The House met

M.^{r} Buchanan has Leave of Absence

M.^{r} Dent and M.^{r} Hanson appeared in the House

Dan.^{l} Dulany Esq.^{r} from the Upper House delivers to M.^{r} Speaker the Bill Entituled An Act for the Relief of sundry languishing Prisoners &c

And the foll^{g} Message Viz^{t}

p. 303 By the Upper House of Assembly 30th 9.^{ber} 1765

Gentlemen

The Clause we proposed to be inserted in the Bill for the Relief of Prisoners to compel single Persons of suff.^{t} Ability of Body to make Satisfaction to their C.^{rs} by Servitude is in our Opinion too just to be altogether waved

Whether there are any Prisoners who have offered to make any Satisfaction to all their C.^{rs} by Servitude and have had their Overtures rigorously rejected by them is a Fact of which we have no Evidence [*This message which begins thus is printed in full in the Upper House journal, pp. 69-70*]

and the Bill Entitled an Act for the Benefit of the Poor and Encouragement of Industry and the foll^{g} Message Viz By the Upper House of Assembly 30.th Nov.^{r} 1765

Gentlemen

The Bill Entitled an Act for the Benefit of the Poor and Encouragement of Industry being amended accordingly to the Proposal made by your Message of Yesterday will meet with the Concurrence of this House

Signed by Order UScott Cl. Up. Ho

On Motion the Question was put that the Amendments proposed by the Upper House to the Bill Entitled an Act for the Relief of Sundry languishing Prisoners &c be concurred with by this House

Resolved in the Affirmative

For the Affirmative

Plater
Key
Wolstenholme
Ringgold
Lloyd
Wilson
J. Adams
Edmunson
Gibson
Sulivane
Hyland
Ward
Bealle
Jacob
Tyler

L. H. J. Liber No. 52 Dec. 2

Worthington
Johnson
Grahame
Parran
Hanson
Dent
R. Goldsborough
Travers
Lee
J. Hall
Earle
Baker
Tilghman
J. Hollyday
Wright
Allen [31]

For the Negative

Harris
Selby
F. Gantt
Chapline
Smith
Buchanan
Smallwood
Ware
Cockey Deye
Chase 10

[*Green in his printed Votes and Proceedings for this session lists differently from the above listings those voting in the affirmative and negative. In addition to those voting affirmatively as given above, he adds the names Harris, Selby, F. Gantt, Chapline, and Smith, making 36 voting in the affirmative; and for the negative he lists only Buchanan, Smallwood, Ware, Cockey Deye, and Chase, showing only 5 voting in the negative. It seems likely to the editor that the list of voters as recorded by Green is the correct one.*]

Which Bill was amended accordingly and passed for Ingrossing p. 304

The Bill Entitled an Act for the Benefit of the poor and Encouragement of Industry was read with the Amendm.^{ts} proposed by this House and agreed to and altered accordingly

The said Bill was passed for Ingrossing

Daniel Dulany Esq.^{r} from the Upper House delivers to M^{r} Speaker a petition of the Inhitants in the S.^{o}thern Quarter of S.^{t} Pauls parish in the Counties of Queen Anns and Talbot Indorsed By the Upper House of Assembly Referred to the Consideration of the Lower House of Assembly

The Bill Entitled an Add.^{l} Supplementary Act to the Act for the Encouragement of Learning & erecting Schools in the several Counties within this province was read and referred to the Consideration of next Assembly

The House adjourns 'till the Morrow Morning at 9 of the Clock

Tuesday 3.^{d} Dec.^{r} 1765 Dec. 3

The Bill Entitled an Act to establish a Road from Hunting Creek in Dorchester to Dover in Talbot County was read the second Time and will pass and was sent to the Upper House by M^{r} Sulivane and M.^{r} Edmunson

M.^{r} Grahame from the Committee appointed brings in and delivers to M.^{r} Speaker the following Report Viz

L. H. J.
Liber No. 52
Dec. 3

By the Committee appointed to enquire and examine into the Allegations and Facts contained in the Petitions of Capt.^{n} Joshua Bealle and Francis Weare of Rezin Bealle of Barton Lucas & of Alexander Somerville 2.^{d} Dec.^{r} 1765

Your Committee find that the Captains Joshua Bealle and Francis Ware were Captains of two of the Companies of Soldiers raised by this Province and acted as such during the Time specified in their Petition

That it appears by the private Book of Accounts of Captain Bealle and by the Book containing the Gen.^{l} Accounts of the Distribution of the Money paid by the Crown that the s.^{d} Capt.^{n} Bealle has not been reimbursed the Sum of £195..12^{s}..2^{d} which he has advanced for the Officers and private Men of the Company as by an Abstract from the said Books herewith delivered to the House will appear

That it appears that the said Capt.^{n} Bealle has lost the Sum of £22..1^{s}..10½^{d} being part of a Sum of Money charged to him on Acco.^{t} and laid out for Cloathing distributed among his Company as by the Abstract aforesaid will also appear And Moreover that the said Capt.^{n} Bealle is charged with the Sum of £16..13^{s}..9^{d} his Proportion of the Charges for Expences in Solliciting for and receiving the Money paid by the Crown

Your Committee herewith deliver to the House an Abstract of a like Account laid before them by Capt.^{n} Ware which they have exāied and compared with Capt.^{n} Ware's private Book and the General Books of Accounts before mentioned and find he is in Advance a Sum of £172..16^{s}..6^{d} for Money advanced to the Officers and private Men of his Company for Cloathing distributed among his Company and for his proportion of the Expence of solliciting for and receiving the Money paid by the Crown

Your Committee take Leave to observe to the Hon^{ble} House that over and above the Sums of Money which the said Capt.^{ns} are actually in Advance they have sustained a very considerable Loss from the Delay of the Payment of the Sums they received from the Crown and the different Value of the Money they were paid from that they had a Right to expect

Your Committee find that Rezin Bealle served as a Lieu.^{t} and Ensign in Capt.^{n} Wares Company during the Time in his Petition mentioned and that he received the Pay due to him as such from the Crown excepting the Sum of £6..12^{s}..6^{d} charged to him as his proportion of the Expence of solliciting for & receiving the said Money

Your Committee find that he was dangerously wounded during the Time of his Service and take Leave to observe that he must have been at a considerable Charge and suffered much Inconvenience Occasioned by the same Wound as he was Incapable of doing any Thing for a long Time after the Troops were actually disbanded

Your Committee find that Alexander Somerville performed the recruiting Service mentioned in this petition and was at a very considerable Expence in carrying up his Recruits to Fort Frederick having no more than One Shilling per Day allowed him for Provision for said Recruits That after he had a Commission as Ensign he recruited upwards of 30 Men more for the Service with whom he was at a much greater Charge than the Sum allowed for their Maintenance would defray and that he was obliged to allow the Sum of £7..7^{s}..11^{d} for his proportion of the Charge of Solliciting for and receiving the pay due to him and advanced by the Crown L. H. J. Liber No. 52 Dec. 3

Your Committee find the Allegations and Facts contained in the petition of Barton Lucas to be true and that the Sum due to him for pay was advanced by the Crown and Amounted after deducting 7½ ꝑ Cent for his proportion of the Charge of Solliciting for and receiving the same to the Sum of £24.0^{s}.7^{d}

All which is humbly submitted to the Hon.^{ble} House

Signed ꝑ Order John Duckett Jun.^{r} Clk

which Report was read the first Time and Ordered to lye on the Table p. 305

Col.^{o} Hooper from the Upper House delivers to M^{r} Speaker the Bill Entitled An Act to establish a Road from Hunting Creek in Dorchester County to Dover in Talbot County Indorsed By the Upper House of Assembly 3.^{d} Dec^{r} 1765 Read the first and second Time by especial Order and will pass

Signed per Order UScott Cl Up. Ho.

which Bill was read here and passed for Ingrossing

The House adjourns till 2 o' the Clock

P M.

The House met

M.^{r} E. Gantt appears in the House

M.^{r} J. Adams hath Leave of Absence

The Bill Entituled a Supplementary Act to the Act Entituled An Act for Amending the Staple of Tob.^{o} &c was read the second Time and will pass

Samuel Chase Esq.^{r} from the Committee appointed brings in and delivers to M^{r} Speaker

A Bill Entituled an Act continuing an Act for the Relief of such persons as cannot find Surety for their Appearance to testify as a Witness against any person Arrested Accused or prosecuted for any Criminal Matter

A Bill Entituled An Act continuing an Act Entituled an Act for repairing the public Roads in this Province and the Supplementary Act thereto

L. H. J.
Liber No. 52
Dec. 3

A Bill Entituled an Act to enable the several and resp̄tive County Cl̄ks within this province to remove some of the County Records and papers from the public Offices

A Bill Entituled an Act continuing an Act Enttiuled An Act for the more effectual Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from certain Offenders and the Suppl^{y} Act to an Act Entituled an Act to prevent the Tumultuous Meeting and other Irregularities of Negroes and other Slaves and directing the Manner of trying Slaves

A Bill Entituled an Act continuing an Act Entituled a Supp^{ly} Act to an Act Entituled an Act laying an Imposition on Negroes and several Sorts of Liquors imported And also on Irish Servants to prevent the importing too great a Number of Irish papists into this province

A Bill Entituled an Act continuing an Act Entituled an Act to make the Testimony of convicted Persons legal against convicted persons

A Bill Entituled an Act continuing an Act Entituled an Add.^{l} Suppl^{y} Act to the Act Entitled an Act relating to Servants and Slaves

A Bill Entituled An Act continuing an Act Entituled an Act for the more effectual Punishment of certain Offenders and for taking from them the Benefit of Clergy

A Bill Entituled an Act continuing an Add.^{l} and Explanatory Act to the Act Entituled an Act impowering the Commiss.^{rs} of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and parishes

A Bill Entituled an Act continuing an Act Entituled an Act relating to Guardians & Orphans

A Bill Entituled an Act continuing an Act Entituled an Act to prevent certain Evils & Inconveniences attending the Sale of strong Liquors and running Horse Races near the Yearly Meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings And also One other Act entituled an Act to amend and explain an Act Entituled an Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors and running of Horse Races near the Yearly Meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings

A Bill Entituled an Act continuing an Act Entituled an Act to exempt persons appearing at Musters from Arrests in Civil Cases

A Bill Entituled an Act continuing an Act Entituled an Act for Punishment of Horse Stealers and other Offenders

A Bill Entituled an Act continuing an Act Entituled an Act for destroying Wolves in Frederick County

Which Bills were severally read the first and second Time by especial Order and will pass L. H. J. Liber No. 52 Dec. 3

The House adjourns 'till the Morrow Morning at 9 of the Clock

Wednesday 4.th Dec.r 1765 Dec. 4

The House met

John Hammond Esq.r and Mr Heath appeared in the House

Ordered that M. Worthington and Thomas Johnson Esq.r be added to the Committee appointed to draw Instructions to Cha.s Garth Esq.r &c

The Bill Entituled an Act to ease the Inhabitants of this Province and to empower the Justices of the several County Courts to bind out persons therein named Apprentices was read the second Time and will pass p. 306

Which said Bills together with the Bills that were read Yesterday in the Afternoon and passed were sent to the Upper House by Mr Hanson and Mr Wright

The House adjourns 'till 2 of the Clock

P. M

The House met

N.o 1 An Ingrossed Bill Entituled a Suppl.y Act to the Act Entituled an Act relating to the Standard of English Weights and Measures

N.o 2 An Ingrossed Bill Entituled an Act for the Enlargement of Baltimore Town in Baltimore County

N.o 3 An Ingrossed Bill Entituled a Suppl.y Act to the Act Entituled an Act ascertaining what Damages shall be allowed upon Protested Bills of Exchange

N.o 4 An Ingrossed Bill Entituled an Act to enable the Justices of S.t Marys County Court to assess & levy on the Taxable Inhitants of S.t Andrews parish a Qty of Tobo for Building a Church and for other purposes therein mentioned

N.o 5 An Ingrossed Bill Entituled an Act to enable the Justices of S.t Marys County Court to assess and levy on the Taxable Inhitants of All Faiths Parish a Qty of Tobo and for other purposes therein mentioned

N.o 6 An Ingrossed Bill Entituled an Act for the Benefit of the poor and Encouragem.t of Industry

N.o 7 An Ingrossed Bill Entituled an Act for the Building of a Vestry House at S.t Pauls Church in Kent County

N.o 8 An Ingrossed Bill Entituled an Act to revive and aid the Proceedings of Cæcil County Court

N.o 9 An Ingrossed Bill Entituled an Act to empower Mary Covington Admix of Philip Covington late of Som.rset County

L. H. J. Liber No. 52 Dec. 4

deceased to sell and dispose of the Lands of the said Philip for the purposes therein mentioned

N.° 10 An Ingrossed Bill Entituled an Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs and other Purposes therein mentioned

N.° 11 And an Ingrossed Bill Entituled an Act for the Relief of several languishing Prisoners in the Goals therein mentioned

Which Bills were severally read and Assented to and sent to the Upper House with the Paper Bills by M.r Worthington and Col.o Hyland

John Hall Esq.r a Delegate returned to serve in this present Assembly for the City of Annapolis appeared in the House

Ordered That John Hammond and Samuel Chase Esq.rs do go with that Gentleman to the Upper House to see him Qualified they return and acquaint Mr Speaker they saw him take the several Oaths to the Government required by Law subscribe the Oath of Abjuration repeat and sign the Test

The Gentleman took his Seat in the House

Daniel Dulany Esq.r from the Upper House delivers to Mr Speaker The Bill Entituled an Act continuing an Act for the Relief of such persons as cannot find Surety for their Appearance to testify as a Witness against any person Arrested Accused or prosecuted for any Criminal Matter

The Bill Entituled an Act to enable the several and respective County Clks within this province to remove some of the County Records and papers from the public Offices

The Bill Entituled an Act continuing an Act Intitled an Act for the more effectual Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from certain Offenders And a Suppl.y Act to an Act Entituled an Act to prevent the Tumultuous Meeting and other Irregularities of Negroes and other Slaves and directing the Manner of trying Slaves

The Bill Entituled an Act continuing an Act Entituled a Suppl.y Act to an Act Entitled an Act laying an Imposition on Negroes and several Sorts of Liquors imported And also on Irish Servants to prevent the Importing too great a Number of Irish Papists into this Province

The Bill Entituled an Act continuing an Act Entituled an Act to make the Testimony of convicted persons legal against convicted Persons

The Bill Entituled an Act continuing an Act Entituled an Act for the more Effectual Punishment of certain Offenders and for taking from them the Benefit of Clergy

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The Bill Entituled an Act continuing an Act Entituled an Additional and Explanatory Act to the Act Entituled an Act empowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes

The Bill Entituled an Act continuing an Act Entituled an Act relating to Guardians & Orphans

The Bill Entituled an Act continuing an Act Entituled an Act to prevent certain Evils & Inconveniencies attending the Sale of Strong Liquors and running Horse Races near the Yearly Meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings And also One other Act Entituled an Act to amend and explain an Act Entituled an Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors and running of Horse Races near the Yearly Meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings

p. 307

The Bill Entituled an Act continuing an Act Entituled an Act to exempt Persons appearing at Musters from Arrests in Civil Cases

The Bill Entituled an Act continuing an Act Entituled an Act for Punishment of Horse Stealers & other Offenders

The Bill Entituled an Act continuing an Act Entituled an Act for destroying wolves in Frederick County

The Bill Entituled an Act continuing an Act Entituled an Act for repairing the Publick Roads in this Province and the Supplementary Act thereto

The Bill Entituled an Act continuing an Act Entituled an Add.^{l} Suppl.^{y} Act to the Act Entituled an Act relating to Servants and Slaves

The Bill Entituled a Suppl^{y} Act to the Act Entituled an Act for amending the Staple of Tobacco for preventing Frauds in his Ma̅tys Customs and for the Limitation of Officers Fees

Which Bills were severally Indorsed By the Upper House of Assembly 4.th Dec.^{r} 1765 Read the first and second Time by especial Order and will pass

Signed ꝑ Order U Scott Cl Up Ho

The aforesaid Bills were here severally read and passed for Ingrossing

James Hollyday Esq.^{r} brings in and delivers to M^{r} Speaker a Bill Entituled an Act to vest the Title of and in certain Lands in John Hammond Esq.^{r} and for other purposes therein mentioned was read the first and second Time by Especial Order and will pass and was sent to the Upper House by John Hammond and John Hall Esq.^{s}

George Plater Esq.^{r} has Leave of Absence

The House adjourns 'till the Morrow Morning at 9 of the Clock

L. H. J.
Liber No. 52
Dec. 5

Thursday 5.th Dec.r 1765

The House met

Thomas Ringgold Esq.r brings in and delivers to Mr Speaker a Bill Entituled an Act to enable the Visitors of Kent County School for the Time being to Lease out part of the Land belonging to the said School

And a Bill Entituled an Act for regulating Attachments

Which Bills were severally read the first Time and Ordered to lye on the Table

Col.o Lloyd brings in and delivers to Mr Speaker a Bill Entituled an Act for Erecting a New Parish in Kent County Called [Chester] Parish and for Building a Parish Church and a Chaple of Ease within the said New Parish which was read the first Time and ordered to lye on the Table

Daniel Dulany Esq.r from the Upper House delivers to Mr Speaker the Journal of Accounts and the following Message Viz

By the Upper House of Assembly Dec.r 5.th 1765

Gents

We have sent Back the Journal of Accounts in Order that Allowances may be made thereon to the resp̄tive ꝑsons following Viz

	Currency £ s d
To the Adm̄or of Patrick Creagh for Repairs done to the Council Chamber as ꝑ Copy of his Account.....	8..10.. 0
To the Ex̄tors of Jn.o Thompson for the same Service as ꝑ Copy of Acco.t...........................	12..13.. 0
To the Hon.ble Col.o Hooper for Ferriages this and the last Session	0..12.. 0
To Sam.l Middleton for Transporting some French Neutrals and find.g them Provisions by Order of the Governor and Council.........................	12..18..10

	Tobo
To the Secretary on Acco.t of the Prosecution of Rich.d Smith	266
To the Clks of the Upper House for Copying Journals in the Year 1761, 1762, 1763 and 1765	6400
p. 308 To the late Clerk of the Council for 8 Years and 6 Months..........................	81600
To the present Clerk for 11 Months.........	8800

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To the Hon.^{ble} Benj.^{n} Tasker Sam.^{l} Chamberlaine Edw.^{d} Lloyd J. Ridout & Col.^{o} Hooper for One Days Attendance the 30.th Sept.^{r} last at a Court of Appeals. Upon the Return of the Journal with the above Additions it will pass this House....................	750
We observe that there is no Allowance to the Clerks of the Lower House for Copying the Journal in the Years 1761 1762 1763 and 1765	

Signed by Order UScott Cl Up Ho

The House adjourns 'till 2 o the Clock

P M

The House met

William Murdock Esq.^{r} appeared in the House

On Reading the Message from the Upper House sent with the Journal

The Question was put Whether this House will make an Allowance on the Journal to the late Clerk of the Council for Eight Years and six Months the Sum of 81,600^{lb} of Tobacco and to the present Clerk of the Council for 11 Months the Sum of 8800^{lb} of Tobacco as proposed by the Upper House in their Message of this Day sent down with the Journal or not

Resolved in the Negative

For the Affirmative

Key [1]

For the Negative

Plater
Wolstenholme
Ringgold
Worthington
Hammond
Johnson
E. Gantt
Grahame
Parran
Hanson
Dent
Smallwood
Ware
Wilson
J. Adams
Edmunson
Gibson
Sulivane
R. Goldsborough
Travers
Cockey Deye
Lee
J. Hall, Balt
Heath
Earle
Baker
Hyland
Ward
Murdock
Bealle
Jacob
Tyler
Chase
J. Hall, Ann A.^{ll}
Tilghman
J. Hollyday
Wright
Allen
Harris
Selby
F. Gantt
Chapline
Smith

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[Green in the printed Votes & Proceedings gives the name of Lloyd and omits Mr. Grahame in the list of affirmative votes]

On Motion the House referred the Articles mentioned in the Message sent down in the Journal not already considered to be taken into Consideration on the Morrow Morning

Benedict Calvert Esq.^{r} from the Upper House delivers to M^{r} Speaker the Bill Entituled an Act to ease the Inhītants of this province and to empower the Justices of the several Counties to bind out the persons therein mentioned Apprentices Indorsed By the Upper House of Assembly 5.th Dec.^{r} 1765

Read the second Time and will not pass

Signed ꝑ Order UScott Cl Up Ho

This Bill Entituled an Act to vest the Title of and in certain Lands in John Hammond Esq. and for other purposes therein mentioned

Indorsed by the Upper House of Assembly 5.th Dec.^{r} 1765

Read the Second Time and will pass

Signed ꝑ Order UScott Cl Up Ho

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And the Paper Bill Entituled a Suppl^{y} Act to the Act Entituled an Act for the Limitation of certain Actions for Avoiding Suits at Law

Indorsed By the Upper House of Assembly 23. Nov.^{r} 1765

Read and passed for Ingrossing And the Ingrossed Bill thereof Indorsed By the Up.^{r} House of Assembly 25.th Nov.^{r} 1765

Read and Assented to by the Up. Ho of Assembly

Signed ꝑ Order UScott Cl Up Ho

And the following Paper Bills Viz

A Bill Entituled a Suppl^{y} Act to the Act Entituled an Act relating to the Standard of English Weights and Measures

A Bill Entituled an Act for the further Enlargement of Baltimore Town in Baltimore County

A Bill Entituled a Suppl^{y} Act to the Act Entituled an Act ascertaining what Damages shall be allowed upon protested Bills of Exchange

A Bill Entituled an Act to enable the Justices of S.^{t} Marys County Court to assess and levy on the Taxable Inhītants of All Faiths Parish a Qty of Tob̄o and for other purposes therein mentioned

A Bill Entituled an Act for the Benefit of the poor and Encouragement of Industry

A Bill Entituled an Act for the Building a Vestry at S.^{t} Pauls Church in Kent County

A Bill Entituled an Act to revive and aid the proceedings of Cæcil County Court L. H. J. Liber No. 52 Dec. 5

A Bill Entituled an Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs and for other purposes therein mentioned

A Bill Entituled an Act to empower Mary Covington Adm̄ix of Philip Covington late of Somrset County dec̄ed to sell and dispose of the Lands of the said Philip for the purposes therein mentioned

A Bill Entituled an Act for the Relief of several languishing Prisoners in the Goals therein mentioned And

A Bill Entituled an Act to enable the justices of S.t Marys County Court to assess and levy on the Taxable Inh̄itants of S.t Andrews parish a Q̄ty of Tob̄o for Building a Church and for other Purposes therein mentioned which Bills were severally Indorsed By the Upper House of Assembly 5.th Dec.r 1765

The Ingrossed Bill whereof this is the Original is read and Assented to

Signed ꝑ Order UScott Cl Up Ho

The Bill Entituled an Act to vest the Title of and in certain Lands in John Hammond Esq.r was read and passed for Ingrossing

The Ingrossed Bill Entituled a Supply Act to the Act Entituled an Act for the Limitation of certain Actions for avoiding Suits at Law was Indorsed 5.th Dec:r 1765

Read and Assented to By the Lower House of Assembly

Signed ꝑ Order MMacnemara Cl Lo. Ho

The House adjourns 'till the Morrow Morning at 9 o the Clock

Friday 6.th Dec.r 1765 Dec. 6

The House met

On further Consideration of the Message sent down with the Journal this House doth agree to all the other Articles mentioned in the said Message and direct the Committee of Accounts to add the same to the Journal and also direct them to allow the Cl̄ks of this House 6400lb [of tobacco] for Copying of the Journals in 1761 1762 1763 and 1765 being 1600lb each Year

On Motion Ordered that John Hall Esq.r and M.r R. Goldsborough be added to the Committee appoint.d to inspect the public Records

M.r Wolstenholme has Leave of Absence

Thomas Johnson Esq.r from the Committee appointed to draw up proper Instructions to be transmitted by the Speaker to Charles Garth Esq.r &c brings in the follg Viz

L. H. J. Liber No. 52 Dec. 6 p. 310 By the Committee appointed to draw up proper Instructions to be transmitted by the Speaker to Charles Garth Esq.^r with a Copy of the Address to his Māty and the Memorial and Petition to the Lords and Commons in Parliament and to advise him of the Concurrence of this House with the proceedings of the Congress at New York

Your Committee beg Leave to report the following to be signed by the Speaker and transmitted by him to Charles Garth Esq.^r

Sir

By the Command of the House of Delegates of Maryland I am to inform you that Mess.^rs Murdock Tilghman and Ringgold who were appointed by them a Committee to join Committees from the Houses of Representatives of the other British Colonies on the Continent of America at New York to consult together on the present Circumstances of the Colonies and the Difficulties to which they are and must be reduced by the Operation of the late Acts of Parliament for levying Duties and Taxes on the Colonies and to consider of a general and united dutiful loyal and humble Representation of their Condition to his Majesty and the Parliament and to implore Relief having laid the Proceedings of that Congress as well as a Copy of their Letter to you before the House of Delegates the Conduct of those Gentlemen hath been unanimously approved and the House are well pleased with their Choice of M^r Garth from whose Attachment to the General Interests of America (intimately connected with those of the Mother Country) and the common Rights of Fellow Subjects they hope the most happy Issue to your generous Efforts

I am Ordered also to transmit to you Copies of the Address to his Majesty the Memorial to the Lords and the Petition to the Commons in Parliament which were formed and agreed to at the Congress at New York the Originals of which were sent you by those Gentlemen and further to say to you that in a Matter of the last Importance to such Members of his Majestys loyal and Affectionate Subjects it is not doubted but many Arguments will occur to yourself and the learned Counsel who may be retained to plead the Cause of Millions But as Americans have employed their Thoughts on the Subject of their present Distresses I am Ordered to transmit to you a Copy of the Declarations of the Opinions of the Congress respecting the most essential Rights and Liberties of the Colonists and of the Grievances under which they labour by Reason of several late Acts of Parliament A Piece Entitled Considerations on the Propriety of imposing Taxes in the British Colonies for the purposes of raising a Revenue by Act of Parliament and a Memorial of the Merchants of the City of New York to the Hon.^ble the House of Commons together with a printed Translation of the Charter of this Province w.^ch you'll receive herewith and from whence probably some Useful Hints may be collected

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The Statute of the 9.th of Ann erecting a Post Office in the Colonies has been generally adduced & acknowledg'd the strongest Precedent for the late Stamp Act but besides the Answers commonly given it cannot be said with Propriety to have been executed for altho' frequent Breaches have been notoriously made of the Regulations & Prohibitions of that Act there never has been a single Instance within the Province nor probably in any other Colony of even a Prosecution much less a Recovery for any Contravention of that Act so that any Argument from the Colonists Acquiescence under an Act that has not been executed is thought to be of very little Weight

The Charter of this Province is apprehended to amount to a strong Declaration and Promise that its Inhabitants should not by their Removal be stript of the Rights of Englishmen and the Royal Faith stands thereby engaged for our quiet Enjoyment of those Rights the British Colonists no doubt as British Subjects are entitled to those Rights independent of the Charters of the particular Colonies and 'tis fairly to be presumed That was the Sense of the whole British Legislature in his late Majesty's Reign when the Act passed for Naturalization of such foreign Protestants and others therein mentioned as are settled or shall settle in any of his Mātys Colonies in America from the Motives assigned in the Preamble to fforeigners to settle in the plantations—It is useless to remark that if the Colonists have not forfeited the Rights they brought over as Englishmen and British Subjects that they are not to be taxed but with their own Consent and are Entitled to Tryal by Juries

The Memorial herewith sent you was designed it is said to have been presented in the last Session of Parliament had it got Home Time enough to have been delivered in with Propriety and is thought by this House to contain a true Account of Facts and judicious Conclusions in Reasoning but the Circumstances of this Province in some Things differ from those of New York Our Staple as well as that of Virginia is Tobacco the Preparation for and Cultivation and Management of which constantly employ those who raise it so that the Planter has no Time to share about Manufacturies or other Matters the Produce of his Labour (now Tōbo is of so little Value) will scarce cloath his Family which is almost individually done in British Manufacturies and was Tōbo only relied on in this province and Virginia the Disproportion between the Produce and Consumption of that Article would soon incapacitate these Colonies from Cloathing their Inh̄itants this necessarily forms our Connection with the Northen Colonies who purchase our Grain Lumber and other superfluous produce part of the Payment for which is in foreign Specie almost as soon remitted to Great Britain as recēd by us towards discharging a continually encreasing Debt contracted by p. 311
Woollens and its other Manufactures so that sho.d the Trade of the Colonies even that which we have no immediate Hand in be con-

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tinued to be cramped the evident Consequence must be that we should not have Credit to purchase such considerable Qties of British Manufactures as we now do the Demand will encrease with our Numbers and Necessity must invent Acts Our Province is tolerably adapted to the raising of Sheep and our Soil and Climate are suitable for Hemp and Flax with these Advantages perhaps the great Difficulty lies in the Attempt to cloath ourselves. The Importance of this Province and Virginia as Tobacco Colonies is universally allowed and the Appendix to the Considerations &c has stated that Matter in a striking Light to which may be added the great Benefit to the Mother Country from her obliging all Tobo to be carried there which being sold from thence to those Foreigners (in whose Favour the Bal of Trade would otherwise generally lie) to the Yearly Amount of upwards of half a Million Great Britain thereby either saves or receives Remittances annually to the Value of that Sum and the planters Pittance of which is at last paid in her own Manufactures

It is observable that generally when England has laid Duties and Imposts on Goods not intended to be prohibited she has encouraged the trading Subjects by the Indulgence of Time for the Payment and considerable Abatements on prompt Payment of those Duties But this Lenity has not been exercised in the late Acts towards the Americans the great Duties are thereby imposed on the Impost of common Articles not intended to be prohibited there must here be a full Payment in Specie before the Goods can be landed This Severity necessarily diminishes the American Merchants Stock in Trade and obliges him to be prepared at all Events with ready Money to lay down the Duties or else his valuable Imports are to be sold at Auction attended with the further Melancholly Consequence of ruining his Credit tho' on the Indulgence of Time for Payment he might probably have raised and paid the Duties by his own Sale of the Goods within a reasonable Time for remitting the Exchequer

Equally severe and Impolitick are the Prohibitions on the Colonies to export Iron to Europe except Great Britain and Ireland and Lumber to any part of Europe to the Northward of Cape Finisterre or   and some other bulky Goods to Ireland These Articles might be expected from America with some Profit could they be carried immediately to the proper Markets but will not bear the Additional Expences of being carried to & handed and reshipped in Great Britain the Consequence is not that Great Britain appropriates these Branches of Commerce to herself but the Sweeds Danes Hamburghers &c supply the Markets is it not more eligible for Great Britain to receive the Proffits in Remittances than to destroy these Branches of her Subjects Commerce It is on this Principle that Fish is permitted to be exported from America directly to the Roman Catholic Countries in Europe The Establishment of Comptrollers by

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the Statute of the last Session 6:45 with Fees of Office in America in Subjecting an Infant Trade to new Delays Ceremonials and Expenses tends to discourage that Spirit of Traffic which an extensive View of the interests of Great Britain would cherish in all her Subjects The Utility of this new Office Officers Fees and Ceremonials cannot here be discovered as the Naval Office erected in the Plantations long since by Act of Parliament and the Quarterly Accounts transmitted from thence would serve as a sufficient Check on the Collectors thro' whose Hands only the Kings Money passed Besides the Impolitic General System of the Statute of the 4.th Year of his present Majesty Chap 15 which not only cramps Branches of the Trade of the Colonies but will prevent the Importation in some Degree of Goods from the Advanced price occasioned by the Duties and thereby turn our Thoughts towards making others to supply their place The Clause requiring a Bond to be given and Certificate to be obtained at the Time of clearing several Vessels is looked on to be extremely grievous as the Fees of Office are thereby consequentially encreased for providing the Bond tho' the Certificate is to be given Gratis and Traders are put to great Inconvenience to procure Security in distant Parts and the Difficulty is encreased by the Bond not being to be cancelled or given up but upon an Order of the Commissioners of the Customs or four of them at least

In this Act it may be found that Penalties and Forfeitures incurred in England are to be prosecuted sued for and recovered in the Common Law Courts those in America in any Court of Record or in any Court of Admiralty in the resp̄tive Colony where the Offence is committed or in any Court of Vice Admiralty to be appointed over America at the Election of the Informer or prosecutor Security in Sixty Pounds to answer Costs before any Claim to be put in to any Court in America or the Ship or Goods to be condemned and where a Vessel or Goods shall be acquitted on Tryal in America and the judge certifies a probable Cause of Seizure the Def.t to recover no Costs nor shall the Seizure be liable to any Action Suit or Information on Account of such Seizure and even where there is a Seizure but no information or further proceeding towards Condemnation and the Court or judge before whom a Trial is had in any Action for such Seizure certifies probable Cause even altho' a Verdict be given in the plts Favour Judgment for the Ship Goods or Value and two pence only to be given without Costs

Americans Sir are astonished at the last mentioned Clauses it from thence seems to them as if the Parliament esteemed it criminal to be an American How different is the Language of this Statute from that of Our Charter how different from that of the Statute for Naturalization of Foreign Protestants how different the Rule for Britons and Americans was the power of the Court of Admiralty immediately under the Inspection of the most Gracious of Kings and

L. H. J. Liber No. 52 Dec. 6 where any private Subject may resort to the Parliament itself against Oppression to be dreaded in its Immensity of Power Are not AMERICANS to fear when so far removed that their Wrongs consume them before they reach the Ear of those Powers who can redress Was it necessary to keep up Tryal by Juries as a Palladium to English Liberty and can American Liberty be protected by a weaker Barrier or was it inconvenient for the English Merchant to attend a Court p. 312 of Admiralty in that Kingdom? and can an Inhabitant of West Florida or even of this Province better attend to make good his Onus probandi at Halifax Is it necessary that Britons should be Indemnified by Recovery of Damages and Costs for wrongful Seizures and that Americans should have no Redress for such Injuries Or will British Officers act with more Tenderness towards Americans than towards Britons Is it generous or just that Odious Distinctions should be made between the Subjects of the same State? Americans as Men are intitled to Justice as Subjects to protection and as British Subjects to Tryals by Juries they know their Rights and are grieved at the Infraction whilst America languished under an almost insupportable Load of Debt to her Mother Country Her Trade her first Hope equally advantageous to both crampt and almost ruined by the Act mentioned before and the Number and Severity of hovering Guarda Costas came the tremendous Stamp Act armed with all its excessive Penalties big with the entire Ruin of more than two Millions of Subjects Our Trade is now at an End Our Specie is drained by Remittances Projects and Enterprizes have ceased amongst us Our Vessels our Lands are to be sold but there are no Purchasers We want the British Manufactures but cannot pay for them What would Great Britain have She had every Thing by her Trade the Colonists could command She cannot have it by her Trade and Taxes both By her Trade she allways had the Ballance gained by the Colonies from Foreigners by her Taxes she throws the Trade of the Colonies into the Hands of Foreigners nor can she thereby get Gold and Silver for we have no Mines contrary to the Conclusion formed on the Silence of this province with Respect to the Stamp Act by a late Political Writer whose Degree of Reputation is not known here Every sensible Man amongst us from the first Intimation we had of the Projects being entertained was of Opinion that such an Act would be subversive of the Rights of the Inhitants of this province and that it would be ruinous to the Colonies and in its Consequences greatly prejudicial to the Interests of Great Britain But this Province had no Opportunity of remonstrating ag.^{t} the Measure no Assembly having been called by the Governor (who has the Power here of convening & proroguing Assemblies) since the Month of October 1763 'till last September and the first Opportunity the House of Delegates had of remonstrating against these Acts was unanimously laid hold of the Materials of which you will be possessed Your own Knowledge of American Affairs and the Abilities of the Council you may think proper to retain will it is hoped furnish Lights and Arguments sufficient to evince the Rights of British American Subjects the true Interest of the Mother Country and the certain Destruction of her Colonies unless those grievous and as we apprehend the constitutional Statutes should be repealed

May the Supreme Being inspire the British Legislature with Wisdom Justice and Moderation

I am
Sir
Your most Obed^t^ Serv.^t^

which he read in his place and afterwards delivered it in at the Table which was read by the Clerk twice approved by the House and Ordered to be fairly transcribed

Benedict Calvert Esq.^r^ from the Upper House delivers to M^r^ Speaker a petition of sundry the Inhitants of S.^t^ Johns and S.^t^ Lukes Parishes in Queen Anns County and S.^t^ Pauls parish part of which lies in Talbot County Indorsed By the Upper House of Assembly referred to the Consideration of the Lower House of Assembly

Which Petition was read the first Time and upon reading a second Time the said petition and on Motion of Col.^o^ Tilghman Leave is given to bring in a Bill for laying out a new and settling and ascertaining the future Bounds and Limits of S^t^ Lukes Christ Church and S.^t^ Johns Parishes in Queen Anns County and S.^t^ Pauls parish being partly in Queen Anns and partly in Talbot County

Ordered that Col.^o^ Tilghman James Hollyday Esq.^r^ and M.^r^ Wright do prepare and bring in a Bill accordingly

The House adjourns 'till 2 of the Clock

P M

The House met

Henry Hollyday Esq.^r^ appeared in the House

M.^r^ John Hall brings in and delivers to M^r^ Speaker a Bill Entituled an Act to confirm a Lease made by Thomas Harrison of Baltimore County for Part of a Lot of Land therein mentioned lying in Baltimore Town in said County to the Commiss.^rs^ of the said Town and their Successors and to establish a Market in the said Town and for the Regulation of the said Market which Bill was read the first Time and Ordered to lye on the Table

M^r^ Bealle brings in and delivers to M^r^ Speaker a Bill Entituled an Act to encrease the Allowance of Jurors attending the provincial and County Courts and for other purposes therein mentioned which was read the first Time and Ordered to lye on the Table

The Bill Entituled an Act to enable the Visitors of Kent County School for the Time being to Lease out part of the Land belonging

L. H. J. Liber No. 52 Dec. 6 to the said School was read the first and Second Time by especial Order and will pass

p. 313 On Consideration of the Message sent with the Journal of Accounts from the Upper House on the 5.th Instant Ordered that a Message be prepared in Answer thereto and that J. Hollyday Esq.r Mr Grahame Edmund Key Sam.l Chase Mr Earle J. Hall T. Johnson Esq.rs Col.o Tilghman M.r Allen Thomas Ringgold Samuel Wilson and John Hammond Esq.rs be a Committee for that purpose

Mr Selby brings in and delivers to Mr Speaker a Bill Entituled an Act for the Relief of Insolvent Debtors

The House adjourns 'till the Morrow Morning at 9 of the Clock

Dec. 7 Saturday 7.th Dec.r 1765

The House met

All appeared as yesterday except Daniel Wolstenholme Esq.r

An Ingrossed Bill Entitled an Act to vest the Title of and in certain Lands in John Hammond Esq.r and for other purposes therein mentioned

And an Ingrossed Bill Entitled an Act to establish a Road from Hunting Creek in Dorchester to Dover in Talbot County were severally read and assented to and sent to the Upper House with the paper Bills thereof and with the paper Bill entitled a Supplementary Act to the Act Entituled an Act for the Limitation of certain Actions for avoiding Suits at Law

And the Bill Entitled an Act to enable the Visitors of Kent County School for the Time being to lease out part of the Land belonging to the said School by M.r Edmunson and M.r Wilson

On Motion Ordered that the following Entry be made on the Journal Viz The Repairs made to the Council House appearing necessary and the Account of 21..3..0 claimed by their Honours for the same in their Message of the 5.th Instant being paid by them This House hath agreed to allow the Same But least this Allowance should be made a Precedent for payment of such Contracts made by their Honours and for which they may expect to be allowed in future This House doth resolve

That they will not hereafter apply any Money belonging to the Public in Discharge of any such Contracts

Samuel Chase Esq.r brings in and delivers to Mr Speaker the following Message Viz

By the Lower House of Assembly Dec.r 7.th 1765

May it please your Honours

This House hath agreed to make all the Allowances mentioned in your Message of the 5.th Instant by Daniel Dulany Esqr Except

L. H. J.
Liber No. 52
Dec. 7

those of 81,600.^{lbs} and 8,800^{lb} of Tob̄o to the late and present Clerks of the Council. As it does not appear to this House for what Services rendred to the public those Sums are required to be paid We do not think we could be justified to our Constituents in making such Allowances if those Gentlemen will lay before us a particular Account of their Charges for Services performed by Virtue of the Laws of this Province and for w.^{ch} they ought to be paid by a Tax on the people we will readily insert in the Journal what shall appear to us just and reasonable We have inserted the Allowance to the Clerks of Our House for Copying the Journals in 1761 1762 1763 and 1765

We think it necessary to inform your Honours that although we have for this Time allowed the Charge for Repairs done to the Council House we have resolved that we will not for the future apply any Money belonging to the public in Discharge of Contracts made by your Honours

Signed ꝑ Order M Macnemara Cl Lo. Ho

On Reading the said Message the first and second Time the Queōn was put whether the said Message shall be altered or not

Resolved in the Negative

Which said Message being fairly transcribed was sent to the Upper House by Thomas Ringgold and John Hammond Esq.^{rs}

On Reading the Second Time the Petition of the Parishioners of Saint Pauls parish in Queen Ann's County the same was granted

Ordered that Col.^{o} Tilghman J. Hollyday Esq.^{rs} and M^{r} Wright do prepare and bring in a Bill accordingly

On Reading the second Time the Report brought in by M.^{r} Grahame relative to Capt.^{n} Bealle Capt.^{n} Ware &c the same was referred for Consideration on Thursday Morning next

The House adjourns 'till 2 of the Clock

P M

The House met

Thomas Johnson Esq.^{r} brings in and delivers to M^{r} Speaker a Bill Entitled a Suppl.^{y} Act to the Act Entitled an Act for Building a Church in S.^{t} James's parish in Ann Arundel County which was read the first Time and Ordered to ly on the Table

The Bill Intitled an Act for the Relief of Insolvent Debtors was read the first Time and Ordered to ly on the Table

Thomas Johnson Esq.^{r} brings in and delivers to M^{r} Speaker a Bill Entitled an Act to enable the Proprietors of Inspected Tobacco to remove the same from the Inspecting Houses to other Warehouses convenient for the Lading thereof on Board Vessels for

L. H. J. Liber No. 52 Dec. 7 p. 314

Exportation and referred for Consideration at next Session of Assembly

Ordered that M.r Jonas Green do print the said Bill with the proceedings of this Session of Assembly

The Bill Intitled an Act to encrease the Allowance of Jurors attending the Provincial and County Courts and for other purposes therein mentioned Was read and committed for Amendments

Benedict Calvert Esq.r from the Upper House delivers to Mr Speaker the Paper Bill Intitled an Act to vest the Title of and in certain Lands in John Hammond and for other purposes therein mentioned And the Paper Bill Entitled an Act to establish a Road from Hunting Creek in Dorchester to Dover in Talbot County severally Indorsed By the Upper House of Assembly 7.th Dec.r 1765 the Ingrossed Bill whereof this is the Original is read and assented to.

And the Bill Intitled an Act to enable the Visitors of Kent County School for the Time being to lease out Part of the Land belonging to the said School Indorsed By the Upper House of Assembly 7.th Dec.r 1765

Read the first and second Time by especial Order and will pass which Bill was read here and passed for Ingrossing

On Motion of Samuel Chase Esq.r Leave is given to bring in a Bill for the Encouragement of Jonas Green of the City of Annapolis printer

Ordered That Samuel Chase John Hall and Thomas Johnson Esq.rs do prepare and bring in a Bill accordingly

Col.o Hooper from the Upper House delivers to Mr Speaker the Bill Intitled an Act for the Security of purchasers and others being Protestants claiming by or from Aliens Indorsed By the Upper House of Assembly 7.th Dec.r 1765 Read the second Time and will pass with the following Amendments Viz

Leave out the Words "being Protestants" in the Title also the Words "being Protestants in the 7.th & 8.th Lines and in the 12.th Line Also the Words "a Protestant or Protestants" and in the 17.th and in the 19.th and 20th Line also the Words "Papist or Papists or" in the 19.th and 20.th and in the 22d 23d and 24.th Line

Signed ꝑ Order UScott Cl Up. Ho

Thomas Johnson Esq.r brings in and delivers to Mr Speaker a Bill Entitled an Act to compel free Negroes and Mulattoes to procure Certificates of their Freedom

The House adjourns 'till Monday Morning at 9 o Clock

Monday 9.th Dec.r 1765

L. H. J.
Liber No. 52
Dec. 9

The House met

All the Members appeared as on Saturday except Mr Fielder Gantt Samuel Wilson Esq.r M.r J. Adams John Hammond Esq.r and M.r Tyler

Benedict Calvert Esq.r from the Upper House delivers to Mr Speaker the following Message Viz

By the Upper House of Assembly Dec.r 9.th 1765

Gentlemen

In Consequence of an Order of this House the late and present Clerk of the Council have exhibited Accounts of the Services done by them for the Public so far as they were reducible to Articles which might be charged in this Manner and a Committee appointed by us to examine and compare them with the Council Books having made their Report We now send you a Copy of that Report as well as of the Clerks Accounts by w.ch we presume it will appear to your Satisfaction that the public Services done by the Clerk well deserve the Salary claimed by him and uniformly allowed to this Officer in every Journal to this Time

That the Governor by the Constitution of this province is assisted in the Administration of the Executive Powers of Government by the Advice of the Council is sufficiently known and the Expediency of appointing an Officer to give Notice to the Members of the Council when their Attendance is requisite to prepare the Mandates that Occasionally issue to the subordinate Ministers and to record and preserve Memorials of the Proceedings in this Department is so obvious that we apprehend it would be unnecessary to produce any direct Proofs to establish the Fact that there hath always been a Clerk attendant upon the Council or to offer any formal Arguments to evince that as the Council by our Constitution assist the Governor with their Advice in the Administration of the Powers vested in him as supreme Magistrate so their Clerk is a Constitutional Officer

According to this Idea he hath always been paid in the Journal of Accounts for his Services to the Community and hath been enjoined to perform various Duties by many Acts of Assembly without the Allotment of particular Rewards

The Repairs of the Council Chamber were necessary to shelter us from the Inclemency of the Weather and we must take the Liberty to inform you that whatever your Resolves may be we shall without any Scruple take Care to have a proper Place to meet in when we are called together to transact the public Business if the Council Chamber had not been repaired there would have been a Necessity for making a Contract for a Room in some private House as you have done and there would be the same Reason for applying the public Money (in which our Money is as well included as yours)

L. H. J. Liber No. 52 Dec. 9 to the Discharge of our Contract as of yours for the like Convenience to yourselves

Signed by Order UScott Cl. Up Ho

And the following Report Viz

p. 315 To The Honourable Upper House of Assembly

We the Subscribers being appointed a Committee by the Hon.ble House to examine the proceedings of the Council and to compare the Charges in the Clerk of the Councils Account presented in pursuance of the Order of this Hon.ble House with the said Proceedings and to report to the said House what should appear to them in their Enquiry & Examination Do Report to this Hon.ble House that they have carefully examined the said Proceedings and compared therewith the Charges contained in the said Clerks Account and that it appears to them that the actual Service done by the said Clerk from the 10.th of May 1756 in Copying and Recording the proceedings of the said Council or Matters of a public Nature relative to the executive Powers of this Government charging nine Pounds of Tobacco ꝑ Side containing 105 Words amounts to a Sum considerably exceeding the Quantity of Tobacco mentioned in the Clerks Account exclusive of all Charge for Attendance preceding the Meetings of the Council the Summoning of the Members keeping Officers Bonds County Levys &c

All which is humbly submitted to this Hon.ble House

15.th Nov.r 1765

Henry Hooper
Robert Jenckins Henry

And the following Account of the Clerks of the Council drawn out for Services done by them and charged to the Public from the Year 1756 to 1765

Council Proceedings from the 10.th May 1756 to the 10:th Nov:r 1764.

[*The account of the clerks of the Council referred to in the above paragraph which follows here in the Lower House journal will be found printed in full on pages 115-130 in the Upper House journal*]

p. 321 which were read the first Time and being read the Second Time On Motion

Ord.d that Thomas Johnson Esq.r Col.o Tilghman Thomas Ringgold Esq.r J. Hall of Annapolis Esq.r J Hollyday Esq.r William Murdock Esq.r M.r Graham M.r Hanson and Samuel Chase Esq.r be appointed a Committee to report on the Acco.ts of the late and present Clks of the Council and also to make an Estimate of the Moneys reced from this Province under Colour of Law for Support of Government and how those Monies are applied

Thomas Ringgold Esq.r brings in and delivers to M.r Speaker the Lre from this House to Cha.s Garth Esq.r fairly transcribed which being read the second Time the House approved thereof and Ord.d that the same be signed on Behalf of the House by the Hon.ble Speaker and by him transmitted

L. H. J.
Liber No. 52
Dec. 9

The House adjourns 'till two of the Clock

P M.

The House met

Mr Sothoron and M.r Buchanan appeared in the House

John Ridout Esq.r from the Upper House delivers to Mr Speaker a Petition of sundry the Inhitants of Prince Georges County

And a Petition of Baldwin Skidmore a languishing Prisoner in Prince Georges County Goal Severally Indorsed "By the Upper House of Assembly referred to the Consideration of the Lower House of Assembly

Which Petitions were here read the first Time and Ordered to lye on the Table

The House adjourns 'till the Morrow Morning at 9 of the Clock

Tuesday 10.th Dec.r 1765

Dec. 10

p. 322

The House met

All appeared as Yesterday

Mr Edmunson Mr Gibson and Mr Sulivane have Leave of Absence

M.r Wright from the Committee of Accounts brings in and delivers to Mr Speaker the follg Report Viz

By the Committee of Accounts Dec.r 10.th 1765

Your Committee in Obedience to the Order of the Honble House for enquiring into the Expence attending the Sitting of Assembly since the passing the last Journal and particularly the Expence of the Committee Rooms Do Report that by the Journals it appears the whole Expence attending the Sitting of Assembly from Febry Anno 1756 the Close of the last Journal to the 16.th Day of Nov.r last on which Day the present Journal was closed Amounts to three Millions nine Hundred fifty Thousand four Hundred and eighty two pounds of Tobacco and three Hundred and five pounds seven Shillings Current Money Viz

	℔ Tobo	[Pounds current]
To the Members of the Upper House of Assembly	448,826	£19..4..0
To the present & late Clks of the Upper House	151,814	
To the present & late Door Keepers of D.o	24,000	
	lb.s 624,640	£19..4..0

L. H. J.
Liber No. 52
Dec. 10

To the Members of the Lower House of Assembly	2,992,480	27..3..0
To the late and present Clerks to D.o	122,464	
To the Serjeant and Door Keepers to D.o	66,002	
To the Ministers and Deputy Clks attendg the Lo: Ho: of Assembly	144,896	
For the Rooms for the Lower House to sit in and for the diff.t Committee Rooms		259..0..0
	3,950,482	£305..7..0

All which is humbly submitted to the Consideration of the Hon.ble House

Signed ꝑ Order John Duckett Jun.r Clk

which was read and Ordered to lie on the Table

The Bill entitled a Supply Act to the Act entituled an Act for Building a Church in St Ja.s Parish &c was read a second Time and will pass was sent to the Upper House by Mr Worthington and M.r J Hall

Benedict Calvert Esq.r from the Upper House delivers to Mr Speaker the Bill entitled a Supply Act to the Act entitled an Act for Building a Church in S.t James's Parish (Indorsed) By the Upper House of Assembly 10.th Dec.r 1765 Read the first and second Time by especial Order and will pass

Signed ꝑ Order UScott Cl Up: Ho:

which Bill was read here and passed for Ingrossing

The Bill Entituled an Act for Erecting a new Parish in Kent County called Chester Parish &c was read the second Time and will pass and was sent to the Upper House by Mr Buchanan and Col.o Lloyd

Benedict Calvert Esq.r from the Upper House delivers to Mr Speaker the Bill Entituled an Act for erecting a new Parish in Kent County called Chester Parish and for Building a Parish Church and enlarging a Chappel of Ease within the said new Parish (Indorsed) By the Upper House of Assembly 10.th Dec.r 1765

Read the first and second Time by especial Order and will pass

Signed ꝑ Order U. Scott, Cl Up. Ho.

Which Bill was read here and passed for Ingrossing

Samuel Chase Esq.r brings in and delivers to Mr Speaker a Bill Entitled an Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer

Which was read the first Time and Ordered to lie on the Table

L. H. J.
Liber No. 52
Dec. 10
p. 323

Thomas Johnson Esq.^{r} brings in and delivers to M^{r} Speaker the foll^{g} Report Viz

By the Committee appointed by the Hon.^{ble} Lower House of Assembly to report on the Account of the late & present Clerk of the Council and also to make an Estimate of the Moneys received from this Province under Colour of Law for Support of Government and how those Monies are applied

	℔ Tobo
Your Committee have inspected the said Account amounting in the whole to 102,743^{lb} of Tōbo and find that the same is partly constituted of Charges for two hundred and four Inspectors Commissions (that Number being by the Account supposed though not asserted to have been Issued) at 150.^{lb} Tobo each	30,600
150 Days Attendance	9,600
Petitions of sundry Persons on private Occasions to the Gov.^{r} & Council & Ord.^{rs} thereon	526
Record^{g} an In̄dre bet L.^{d} Balt.^{e} and Cæcilius Calvert Esq.^{r} of the One part and the Hon̄ble Thomas Bennett and William Sharpe Esq.^{r} of the Other Part Settlement of the Province of Maryland	270
Record^{g} the Pet.^{n} of S.^{t} Pauls Parish in Balt.^{e} County	18
Part of 72.^{lb} of Tobo for Record.^{g} Proceed.^{gs} of the Vestry of Port Tobacco in Cha.^{s} County it being in the Charge with other Mr̄es the par̄lar part not distinguishable	
And that the Residue of that Account are Charges for Proclamations and the Acts of his Lordships Council many of which are and all for any Thing your Committee know may be on Subjects of a Public Nature but your Committee can discover no Act of Assembly that expressly or implicitly enjoined a Duty on the Clerk of the Council respecting any of them	

Your Committee Remark that by the Inspection Law §41 It is Enacted that the several resp̄tive Vestrymen and Church Wardens in all Cases shall forthwith transmit Certificates of such Nomination and Recommendation to the Sheriff of the said County who shall forthwith transmit the Same to the Clerk of the Council for the Time being to be by him laid before the Governor or Commander in Chief for the Time being out of which said four or two Persons to be nominated and recommended for Inspector or Inspectors the Gov.^{r} or Commander in Chief shall and may appoint by Warrant under his Hand two persons out of the Four or One person out of the two &c and report that the Warrants to the Inspectors contain Each nearly two Sides of 105 Words to a Side Printed Blanks of which

L. H. J. Liber No. 52 Dec. 10 have been as your Committee understand furnished & filled up by the Clerk of the Council

Your Committee also Report that the Amerciaments in the Prov.^{l} Court granted by Act of Assembly to be applied as the Gov.^{r} and Council shall Direct Amount (by Information from the Cl̄k of the Prov.^{l} Co^{t}) to about 2500.^{lb} of Tob̄o annually which were given as your Committee have been informed to the late Cl̄k of the Council tho' your Committee do not know how they are now disposed of

That there is collected by the resp̄tive Naval Officers One Shilling Str ꝑ HH^{d} on all Tob̄o exported under Colour of an Act of Assembly passed in 1704 granting that Duty to her Majesty Queen Anne her Heirs and Successors for the Support of her Government for the Time being in and over her Mātys Province afs.^{d} and the Territories to the same belonging which Annually amounts to about £1400 Str

That there are also collected by the said Naval Officers 14^{d} Str ꝑ Ton on all Foreign Vessels under Colour of an Act of Assembly made in 1661 which your Committee conceive on a moderate Computation amount Annually to £1000 or £1200 Str

And that there are also collected by the said Naval Officers 3.^{d} Str ꝑ Ton on all Vessels trading here not built here or owned by Residents of this Province by Virtue of an Act of Assembly passed in 1704 which imposes that Duty for the Use of the Governor of this province for the Time being and which Duty is estimated to Amount to about £200 Str annually

But your Committee do not know to what purposes the said One Shilling ꝑ Hh.^{d} and 14^{d} ꝑ Ton are applied or how the Fines arising by the Com̄on Law or Forfeitures under Acts of Assembly granting the same for the Support of Government are disposed of and which your Committee are of Opinion yearly Amount to a considerable Sum

All which is humbly submitted to the Consideration of your Hon^{ble} House

Signed ꝑ Order Jn:^{o} Duckett Jun.^{r} Clk

which he read in his Place and afterwards del̄vd in at the Table

The said Report was again read by the Cl̄k a 1st & 2^{d} Time and referred for Consideration After Noon

The House adjourns 'till 2 of the Clock

P M

The House met

The Governor communicated to M^{r} Speaker the foll^{g} Message Viz

L. H. J.
Liber No. 52
Dec. 10
p. 324

Gentlemen of the Lower House of Assembly

Having this Afternoon rec̄ed certain Information that bet̄ three & four Hundred Men many of them Armed with Guns & Tomahawks were assembled on Fryday last at Frederick T.^{n} Fredk Co.^{ty} and ab.^{t} to chuse Officers intend^{g} to march hither in Companies in Order (as they express themselves) to settle the Disputes betwixt the two Houses of Assembly in Relation to their passing the Journal and that such their Proceedings were supposed to be owing to Col.^{o} Cresap's declaring as he lately returned Home thro' the County that nothing would be done unless the People did come down and having been informed that some of the Justices of this County who reside near Elkridge have been com̄anded and compelled by a great Number of People that live in that Neighbourhood to come this Day to Annapolis in Order to learn from the Members for this County what State or Situation the Journal is in and to send an Express im̄ediately to acquaint the People therewith that acco' to the Contents or Tenor of such Express a N.^{o} of the people will or will not be within Sight of this Place to Morrow or next Day I think it my Duty to com̄unicate to you the Information I have rec̄ed and recom̄end it to you to consider seriously the Consequence of large Bodies of People being prompted to come hither on such Account or assemble with a View to intimidate either Branch of the Legislature or to lay them under any Restraint

Hor.^{o} Sharpe

Dec.^{r} 10. 1765

which being read the 1.st & 2.^{d} Time

Ord.^{d} That Tho.^{s} Johnson Tho.^{s} Ringgold & J. Hollyday Esq.^{rs} M.^{r} Worthington & W.^{m} Murdock Esq^{r} be a Committee to prepare and bring in an Address to his Excellency the Gov.^{r} in Ans.^{r} to his Message

The House adjourns 'till the Morrow Morning at 8 of the Clock

Wednesday 11:th Dec^{r} 1765

Dec. 11

The House met

All appeared as Yesterday except M.^{r} Edmunson and M.^{r} Gibson

Thomas Johnson Esq.^{r} brings in the foll^{g} Address to the Governor Viz

To His Excellency Horō Sharpe Esq.^{r} Gov.^{r} and Commander in Chief in and over the ꝓvince of Maryland

The Humble Address of the House of Delegates

May it please your Excellency

In Ans.^{r} to your Message of last Night we assure your Excellency we are very sensible of the bad Consequences of large Bodies of

L. H. J. Liber No. 52 Dec. 11

People coming hither with a View to intimidate either Branch of the Legislature or to lay them under any Restraint We shall therefore immediately take every Step in our Power to prevent any Measures that may have such Tendency to which End we pray your Excellency to lay before us the Evidences you have rec̄ed of the Arming or Assembling of any Bodies of People with that Intention.

We are very sorry to find such an Imputation on a Member of our House as that laid on Col.^{o} Cresap and we yet have Hopes that your Excel.^{ys} Information in that Par̄lar is without just Foundation as it appears by our Journal that he has not attended the Houses since the 22.^{d} Nov.^{r} at which Time we conclude he left this Plaçe and when it could not be foreseen that any Difficulties would arise bet̄ the two Houses in Relation to the Payment of any Public Claims

As we should be very far from countenancing in any of Our Members a Conduct tending to disturb the public peace and deprive any Branch of the Legislature of that Freedom of Debating and judging which is essential to the Constitution we think it a justice due to the Public as well as to Col.^{o} Cresap that this Charge ag.^{t} him should be examined and set in a true Light and therefore hope y.^{r} Exc.^{y} will com̄unicate to this House the Evidence on which the Charge contained in your Message is founded

which he read in his Place and afterwards del̄rd in at the Table

The said Address being read the 1.st & 2.^{d} Time by the Clerk was approved by the House and Ordered to be Ingrossed

Sam.^{l} Chase Esq.^{r} brings in and delivers to M^r Speaker a Bill Entitled an Act for destroying Crows and Squirrels in par̄lar Counties which was read the first Time and Ordered to lye on the Table

Col:^{o} Tilghman brings in and delivers to M^r Speaker a Bill Entitled an Act for raising Str for every Hh.^{d} of Tob̄o exported out of this Province for the Support of an Agent at London for the Service of this Province which was read the first Time and Ordered to lye on the Table

The Bill Entituled an Act to compel free Negroes and Mulattoes to procure Certificates of their Freedom was read the first Time and Ordered to lye on the Table

Thomas Johnson Esq.^{r} brings in and delivers to M^r Speaker the Address (to the Governor) Ingrossed which was read and assented to and signed by Order of the House by the Hon.^{ble} Speaker

p.325 Ord^d that J Hollyday Esq.^{r} and M.^{r} Grahame do acquaint the Governor that the House hath prepared an Address to be presented to him and desires to know when and where he will receive it they return & acquaint M^r Speaker that the Governor signified he would receive the Address immediately in the Conference Chamber

Ord.^{d} that J. Hollyday Esq.^{r} do present the Address

M.r Earle Col.o Tilghman and M.r Harris have Leave of Absence
The House adjourns 'till two of the Clock

L. H. J.
Liber No. 52
Dec. 11

P. M.

The House met

The Governor communicates to Mr Speaker the follg Message viz

Gentlemen of the Lower House of Assembly

I think myself obliged to you for the Regard you have paid to the Message I thought it my Duty to com̄unicate to you last Night. That you may see on what that Part of my Message which related to Col.o Cresap and the People who are said to have assembled in Arms in Frederick Town was founded I shall agreeable to your Desire here wth send you a Copy of a Depōn that was made yesterday by Capt.n Evan Shelby As also of D.r Ross's relative to a paper addressed to your House that was it seems lately handed about in Frederick County to be signed Whether such Paper has ever been presented to your House you best know if it has the Author or Original Mover of it might be easily trac'd and you may I have Reason to believe by Exam̄ing Joseph Flint Ralph Mason Jacob Young James Miller and others Inhitants of Frederick County discover how far Cal.o Cresap has been Instrumental in promoting Measures that have a Tendency to the Public Peace and to deprive the several Branches of the Legislature of that Freedom of debating and judging which is essential to the Constitution. What I intimated with Regard to the People that live near Elk Ridge was communicated to me by M.r Lux and Mr Jn.o Burgess of that Place a Copy of whose Information I likewise send you inclosed

Dec.r 11.th 1765 Hor.o Sharpe

And the following Depōns Vizt

Capt.n Evan Shelby being examined concerning some Reports which have been spread concerning a N.o of Armed Men being collected to come down to Annapolis saith That when he came from Frederick Town on Fryday last there were between 3 & 400 Men there many of them Armed with Guns & Tomahawks that he did understand they were about to chuse Officers and to march down in Companies to Annapolis in Order to settle the Disputes betwixt the two Houses of Assembly in Relation to passing the Journal and that he was informed by Joseph Flint and Ralph Matson that they heard Col.o Cresap say that nothing would be done unless the People did come down; that the People did say they would come down in a Civil Manner to see if the Business was done and if it was not they would not return until it was done that he was desired by a N.o of them

L. H. J. Liber No. 52 Dec. 11 to Head one of the Companies and on his Refusal they desired him to acquaint the People at Annapolis that they were coming

10.th Dec.r 1765 Evan Shelby

In the Council Chamber
Taken and Sworn before } Copy
Henry Hooper

Doctor David Ross deposeth and saith That some Time before the 1.st of last Nov.r viz About the 27.th or 29.th of last October he was at a place called Sharpesburgh in Frederick County where M.r Joseph Chapline was then making over sundry Lots in that Town to persons who had purchased them of the said Chapline and that the said persons being solicitous to get their Conveyances perfected before the Stamp Act should take Place Col.o Sam.l Beall attended as a Magistrate to take the Acknowledgments of M.r Chapline that some Time in the Eveng of that Day when the above Business was transacted Mr Chapline was told that there was an Express come to him upon which he left the Company and returning in a very short Time produced a Writing to the people who were assembled and told them he had received it by Express from Col.o Thomas Cresap in Order to get it signed by the People that M.r Chapline gave the Writing to Col.o Beall to read it to the People there met and that it was a Writing addressed to the Lower House of Assembly in Substance as follows to the best of this Deponents Memory and Belief Viz It expressed a Satisfaction of the Conduct of the Lower House in opposing the Stamp Act and intimated a Reliance that they would endeavour like the renowned ancient true Roman State to suppress any future Attempt to deprive them of their Liberty it also expressed that the Signers were informed that a very large unjust Claim in Tobo was made against the Public by par̄lar Gent in Annap.s preventing the payment of other just Claims and desiring that if the said unjust and dishonourable Claims should still be insisted upon that the Lower House would give speedy Intelligence in Order that the Signers might come down and cause justice to take Place This Deponent saith that after the said Writing was read by Col.o Beall he this Deponent read it and counted the N.o who had then signed it to be p. 326 about 35 but that none of the Company present when the said Writing was produced did sign it in the presence of this Depon.t This Depon.t rem̄bers that M.r Chapline jocularly asked Col.o Beall if he would sign who answered that he did not like Hanging or Words to that Effect And this Depon.t saith that observing the Writing to be of a threatening Nature he jocularly asked if no more Riffle Men could be got from above and that it was then said by some of the Company that it was one of the Old Col.s Schemes by whom he understood Col.o Cresap to be meant

Council Chamber 11.th Dec.r 1765 David Ross
Sworn before Henry Hooper

L. H. J.
Liber No. 52
Dec. 11

William Lux and John Burgess Magistrates of Ann Arundel County being exāied do say That they were commanded and compelled by a Number of the Inh̄itants of Elk Ridge to come down to Annapolis on this Day & to have a Conference with the Members of this County in Order to learn what State or Situation the Journal was in and to send an Express immediately to acquaint them therewith and that according to the Contents or Tenor of such Express a N.^{o} of them would or would not be within Sight of the City of Annap.^{s} to Morrow or the next Day where they would halt and wait for a favourable Answer (as was expected) was rec̄ed were determined im̄ediately to proceed to their resp̄tive Homes

Tuesday Dec.^{r} 10th 1765

On Consideration of the Report Bro.^{t} in by Tho.^{s} Johnson Esq.^{r} of the 10.th Instant the Queōn was put whe.^{r} the Clerk of the Council shall be allowed anything for making Out Inspectors Comisōns or not?

Resolved in the Negative

For the Affirmative

Plater
Key
E. Gantt
Grahame
Sulivane
Lee
Heath
Baker
Ward
Hollyday
Chapline
[11]

For the Negative

Ringgold
Lloyd
Buchanan
Worthington
Johnson
Parran
Hanson
Dent
Smallwood
Ware
H. Hollyday
Cockey Deye
Hall of Balt..
Earle
Hyland
Murdock
Beale
Jacob
Chase
Hall of Annap.^{s}
Tilghman
Wright
Allen
Harris
Selby
Smith
[26]

On further Consideration of the said Report and reading the Articles therein the House Unanimously resolved that the 2,^{d} 3,^{d} 4.th 5.th 6.th & 7.th in the Report aforesaid be rejected

The Queōn was put Whe.^{r} the Clerk of the Council be allowed any Thing for his Trouble in receiving the Naval Officers Bonds into the Council Office as directed by the Act of Assembly made in 1751 enjoining that Service or not? Resolved in the Negative

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For the Negative

Key
Buchanan
Worthington
Parran
Hanson
Dent
Smallwood
Ware
Cockey Deye
Hyland
Murdock
Bealle
Jacob
Chase
Hall, Annap.[8]
Tilghman
Wright
Selby
Smith
[19]

For the Affirmative

Plater
Ringgold
Lloyd
Johnson
E. Gantt
Grahame
H. Hollyday
Sulivane
Lee
Hall [of] Balt
Heath
Earle
Baker
Ward
J. Hollyday
Allen
Harris
Chapline
[18]

The Question was put Whe.^{r} the Clerk of the Council shall be allowed any Thing for receiving the Nominatōn and Recommendation of the Vestrymen and Church Wardens from the Sheriffs and laying them before the Gov.^{r} as directed by the Inspection Law or Not? Resolved in the Negative by the same Majority which determined the immediate precedent Question.

On Motion Resolved Nem: Con: that the Cl̄k of the Council be not allowed any Thing for keeping the County Levys

On Motion Ordered that a Message be sent to the Upper House acquainting their Honours with the Resolutions of this House relative to the Accounts of the Clks of the Council

p. 327 And that Samuel Chase J. Hall W.^{m} Murdock Esq.^{rs} M.^{r} Hanson and M.^{r} Worthington do prepare & bring in a Message accordingly

Dec. 12

Thursday 12.th Dec.^{r} 1765

The House met

All appeared as Yesterday except George Plater Esq.^{r}

The following Ingrossed Bills Viz

N.^{o} 15 An Act contin^{g} an Act Entitled an Act for the Relief of such Persons as cannot find Surety for their Appearance to testify as a Witness ag.^{t} any Person arrested accused or prosecuted for any Criminal Matter

N.^{o} 16 An Act contin^{g} an Act entitled an Act to enable the several and resp̄tive County Clerks within this Province to remove some of the County Records and Papers from the public Offices

N.^{o} 17 An Act contin^{g} an Act Entitled an Act for the more effectual Punishment of Negroes and other Slaves for taking away the Benefit of Clergy from certain Offenders and a Supp.ly Act to an Act Entitled an Act to prevent the Tumultuous Meeting and other Irregularities of Negroes and other Slaves & directing the Manner of trying Slaves

L. H. J. Liber No. 52 Dec. 12

N.° 18 An Act conting an Act Entitled a Supply Act to an Act Entitled an Act laying an Imposiso͞n on Negroes and sev.l Sorts of Liquors imported and also on Irish Servants to prevent the importing too great a N.° of Irish Papists into this Province

N.° 19. An Act conting an Act Entitled an Act to make the Testimony of Convicted Persons legal ag.t convicted Persons

N.° 20 An Act conting an Act Entitled an Act for the more effectual Punishment of certain Offenders and for taking from them the Benefit of Clergy

N.° 21 An Act conting an Act Entitled an Add.l and Explanatory Act to the Act Entitled an Act impowering the Commiss.rs of the County Courts to levy and raise Tobacco to defray the necessary Cha.s of their Counties and Parishes

N.° 22 An Act conting an Act Entitled an Act relatg to Guardians & Orphans

N.° 23 An Act conting an Act Entitled an Act to prevent certain Evils and Inconveniencies attendg the Sale of strong Liquors and running Horse Races near the Yearly Meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings And also One other Act Entitled an Act to amend and explain an Act Entitled an Act to prevent certain Evils and Inconveniencies attendg the Sale of strong Liquors and running of Horse Races near the Yearly Meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings

N.° 24 An Act conting an Act Entitled an Act to exempt Persons appearg at Musters from Arrests in Civil Law Cases

N.° 25 An Act conting an Act Entitled an Act for Punishment of Horse Stealers and other Offenders

N.° 26 An Act conting an Act Entitled an Act for destroying Wolves in Frederick County

N.° 27 An Act conting an Act Entitled an Act for repairing the public Roads in the Province and the Supply Act thereto

N.° 28 An Act conting an Act Entitled an Add.l Supply Act Entitled an Act relatg to Servants and Slaves

N.° 29 A Supply Act to the Act Entitled an Act for Amendg the Staple of To͞bo for preventing Frauds in his M͞atys Customs & for the Limitato͞n of Officers Fees

N.° 30 An Act to enable the Visitors of Kent Coty School for the Time being to Lease out Part of the Land belongg to the s.d School

L. H. J. Liber No. 52 Dec. 12 N.° 31 A Suppl^y Act to the Act Entitled An Act for Build^g a Church in S.^{t} James's Parish in Ann Arundel County

N.° 32 An Act for erect^g a New Parish in Kent County called Chester Parish and for Build^g a Parish Church and enlarg^g a Chapel of Ease within the said new Parish

were severally read and assented to and sent to the Upper House with the Paper Bills thereof by M^r Buchanan and Col.° Lloyd

M.^{r} Wright brings in and delivers to M^r Speaker a Bill Entitled an Act for laying out a new and settling and ascertaining the future Bounds and Limits of S.^{t} Luke's Christ Church and S.^{t} John's Parishes in Queen Ann's County and of S.^{t} Pauls being partly in Queen Ann's and Partly in Talbot Co.^{ty}

p. 328 which was read the first Time and Ordered to lye on the Table

The House adjourns 'till two of the Clock Afternoon

P M

The House met

Samuel Chase Esq.^{r} brings in the foll^g Message Viz^t

By the Lower House of Assembly Dec.^{r} 12.th 1765

May it please your Honours

We have taken into our Consideration your Message of the 9.th Instant by Benedict Calvert Esq.^{r} as also the Report of the Committee appointed by your Honours to exāie the Proceed.^{gs} of Council together with the Account of Par̄lars furnished by the late and present Clerk and although the Services done by the Cl̄k of the Council may merit some Salary the Quantum of which we shall not undertake to ascertain yet we are clearly of Opinion that under the peculiar Circumstances of this Province such Salary ought not to be inserted in the Journal nor in any Manner paid by a further Tax upon the people we represent

We are not ignorant that the Gov.^{r} is assisted in the Administratōn of Gov^{r}nm^t with the Advice of a Privy Council and we do admit that an Officer for that purpose may be expedient but as such Officer is chiefly employed in Acts of Gov^{r}nment so he ought in Justice to be paid out of the Monies taken from the People for Support of Government Your honours well know that the Provincial Amerciaments Fines arising by the Common Law and Forfeitures under Acts of Assembly of the Province granting the same for Support of Government amount Annually to a considerable Sum And that under Colour of an Act of Assembly in the year 1704 there has been collected for many years a Duty of 1.^{s} Str ꝑ Hh.^{d} on all Tōbos exported out of this Province to the annual Amount of near £1400 Str which hath been rec̄ed by the Lords Proprietary of this Province and ought agreeable to the express Directions of that Act to be applied towards the Support of Government and from any Thing we have ever been able to learn to the contrary there remains of those Monies un-

L. H. J. Liber No. 52 Dec. 12

applied to any public Use more than suff.^{t} to make the late and prn̄t Clk of the Council full Compensation for all their Services for these Reasons we cannot agree to burthen the People with any Salary to the Clk of the Council and as the Journal is already swell'd to a very large Amount and the Discharge of the Public Debt now many Years standing is a Matter of Importance and greatly desired by the whole Province and as every just Allowance hath in our Opinion been already made and no Dispute remains but only the Salary to the Cl̄ks of the Council and as the Circulating a Sum of Money equal to the public Debt would be of singular Advantage to the Community and may well be done upon the Credit of the Treasure now belonging to the Province we have again returned you the Journal and List of Debts incurred on Account of the late War and are not without Hopes that your Honours will assent thereto as they now stand

which he read in his Place and afterwards delr̄d in at the Table

The said Message was read by the Clerk a first and second Time and approved signed by him as Clerk and sent to the Upper House by M.^{r} Hanson and three more with the Journal of Acco.^{ts} and List of Debts

The Bill Intituled an Act for regulating Innholders and Ordinary Keepers within this Province was read the second Time and referred to the Consideration of next Assembly

The Bill Entitled an Act for the better regulating of Attachments was read the second Time and referred to the Consideration of next Assembly

The Bill Entitled an Act to Encrease the Allowance of Jurors attend^{g} the Prov.[1] & Co^{ty} Co.^{ts} &c was read the second Time with the Amendments and will pass

The Bill Entitled an Act to confirm a Lease made by Tho.^{s} Harrison of Baltimore County for Part of a Lot of Land therein mentioned and lying in Balt.^{re} T.^{n} in s.^{d} County &c was read the second Time and will pass

The Bill Entitled an Act for the Relief of Insolvent Debtors was read the second Time & referred to the Consideration of next Assembly

The Bill Entitled an Act for destroying of Crows and Squirrels in par̄lar Counties and of red Foxes in Kent and Queen Anns Counties was read the second Time and will pass

p. 329

The Bill Intitled an Act to compel Free Negroes and Mulattoes to procure Certificates of their Freedom was read the second Time and referred to the Consideration of next Assembly

The House adjourns 'till the Morrow Morning at 9 o Clock

L. H. J.
Liber No. 52
Dec. 13

Fryday 13.th Dec.r 1765

The House met

John Hammond Esqr appeared in the House

Benedict Calvert Esq.r from the Upper House delivers to Mr Speaker the several Paper Bills of the Ingrossed Bills sent to the Upper House Yesterday being from N.o 14 to N.o 33 Indorsed

By the Upper House of Assembly 12.th Dec.r 1765

The Engrossed Bill whereof this is the Original is read and assented to

Signed ꝑ Order UScott Cl Up Ho

The Bill Entitled an Act continuing an Act Entitled an Act to encrease the Allowance of Grand and Petit Jurors &c The Bill Entitled an Act to confirm a Lease made by Thomas Harrison to the Commissioners of Baltimore Town &c And the Bill Entitled an Act for destroying of Squirrels and Crows &c were sent to the Upper House by M.r Jacob and Capt.n Cockey Deye

J. Ridout Esq.r from the Upper House delivers to Mr Speaker the Bill Entitled an Act contin.g an Act Entitled an Act to encrease the Allowance of Grand and Petit Jurors &c The Bill Entitled an Act to confirm a Lease made by Thomas Harrison to the Commissioners of Baltimore Town &c And the Bill Entitled An Act for destroying of Crows and Squirrels &c Indorsed

By the Upper House of Assembly 13.th Dec.r 1765

Read the first and Second Time by especial Order and will pass

Signed ꝑ Order U Scott Cl Up Ho

Which Bills were read here and passed for Ingrossing

Tho.s Ringgold Esq.r brings in the following Remonstrance Viz

To his Excellency Horatio Sharpe Esq.r Gov.r and Commander in Chief in and Over the Province of Maryland

The Humble Address of the House of Delegates

May it please your Excellency

We are truly concerned that the Duty we owe our Constituents lays us under the indispensible Necessity of Observing that every Power lodged in the Hands of Government is there intrusted by the Constitution to be exercised for the Common Good

To this End hath your Excellency as supreme Magistrate the Powers of Convening & Proroguing Assemblies which we need not remark according to the Bill of Rights confirmed at the Happy Revolution ought for Redress of all Grievances and for Amending Strengthening and preserving of Laws to be held frequently

The unhappy Prevalence of the small Pox from the Month of March to that of Sept.r last rendred a Convention of Assembly within that Time impracticable but we are ignorant of any Reasons that could Occasion the long Intervention from Nov.r 1763 to last March within which Time Circumstances of a peculiar Nature required a Meeting of Assembly which was prevented by repeated Prorogations

It is incumbent on us as the Representatives of a free People to remonstrate against that Measure especially as it prevailed at a Time so very critical to the Rights of America at a Time when the good People of this Province ardently wished for an Opportunity to express by their Representatives in Assembly their Sense of a Scheme then entertained by the British House of Commons of imposing Stamp Duties on the Colonies and for Want of which their involuntary Silence on a Subject so interesting and important has been construed by a late Political Writer of Great Britain as an Acquiescence in that intended Project

At the same Time that we make this free Declaration which is prompted by a genuine Sense of Duty to those we represent permit us to assure your Excellency that with the Hearts attached to no other Object than the public Good we are determined to avoid every unnecessary Measure which may tend to interrupt the Harmony w.ch has happily subsisted throughout the whole Course of this Session between the several Branches of the Legislature And we cannot help expressing our Apprehensions that if we should be now silent at some future Time when it may be the Unhappiness of this Province to be under the Government of a Gentleman less favourable in his Inclinations to the Interests of America than yourself the Occasion which has laid us under the disagreeable Necessity of troubling your Excellency with this Assertion of Our Rights might be made use of as a Precedent for promoting Measures prejudicial to the Rights and Privileges of the good People of this Province p. 330

Which he read in his Place and afterwards delivered in at the Table

The said Remonstrance was read a first and second Time by the Clerk and approved and Ordered to be Ingrossed

The House adjourns 'till 2 of the Clock

P M

The House met

Thomas Ringgold Esq.r brings in and delivers to Mr Speaker the Remonstrance to the Gov.r Ingrossed which was read and assented to and signed by the Order of the House by the Hon.ble Speaker

Ord.d That Tho.s Ringgold Esq.r and Col.o Lloyd do acquaint the Gov.r that this House hath prepar'd an Address to be presented to him and desires to know when and where he will please to receive it.

L. H. J. Liber No. 52 Dec. 13 They return and acquaint M^r^ Speaker that the Gov.^r^ signified he would receive the Address in 3 Q.^rs^ of an Hour in the Conference Chamber

Ord.^d^ That Tho.^s^ Ringgold Esq.^r^ & 5 more do present the Address to the Governor

The Bill Entitled an Act for laying out Anew and settling and ascertaining the future Bounds and Limits of S.^t^ Lukes Christ Church and S^t^ John's Parishes in Queen Ann's County &c was read the 2^d^ Time and will pass and was sent to the Upper House by J. Hollyday Esq.^r^ & M.^r^ Wright

Benedict Calvert Esq.^r^ from the Upper House delivers to M^r^ Speaker the foll^g^ Message Viz

By the Upper House of Assembly 13.^th^ Dec.^r^ 1765

Gentlemen

That the Question between us concerning the Clerk of the Councils Salary may be brought to the single Point upon which it really depends we think [*The Message beginning thus is printed in full in the Upper House journal, pp. 84-89*]

p. 333 And the Journal of Accounts and the List of Debts

The Bill Entitled An Act for the Security of Purchasers and Others being Protestants claiming by or from Aliens was referred for Consideration on the 1.^st^ Day of Janry 1766

The Bill Entitled an Act for the speedy and effectual Publication of the Laws of this Province for the Encouragement of Jonas Green of the City of Annap.^s^ Printer was read the second Time and will pass

The Bill Entitled an Act for raising four pence Sterling ℘ Hh.^d^ on all Tobo exported out of this Province for the Support of an Agent in Great Britain was read the second Time and will pass

The House adjourns 'till the Morrow Morning at 9 of the Clock

Dec. 14 Saturday Dec.^r^ 14. 1765

The House met

All the Members appeared as yesterday except Col.^o^ Tilghman M.^r^ Earle M^r^ Sulivane and M^r^ Harris

The Bill Entitled An Act for raising 4.^d^ Str ℘ Hh.^d^ &c for Support of an Agent and the Bill Entitled An Act for the Speedy Publication of the Laws of this Province &c were sent to the Upper House by M^r^ Worthington and John Hammond Esq.^r^

On Motion Ord.^d^ that Thomas Ringgold J. Hammond Tho.^s^ Johnson H. Hollyday J. Hall of Annap.^s^ S. Chase W.^m^ Murdock Esq.^rs^ M^r^ Hanson and M.^r^ Worthington do prepare a Message in Answer to the Message of Yesterday from the Upper House by B. Calvert Esq.^r^

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The Report from the Committee to inspect the Proceedings of the Commiss.^{rs} of the Paper Currency Office &c was read the second Time with which the House doth concur

The Report from the Committee appointed to inspect the Arms and Ammunition &c brought in the 9.th Nov.^{r} Ult was read the second Time with which the House doth concur

An Ingrossed Bill Entitled an Act to encrease the Allowance of Jurors attend^{g} the Prov.^{l} & Co.^{ty} Courts and for other Purposes therein mentioned An Ingrossed Bill Entitled an Act to confirm a Lease made by Thomas Harrison of a Lot of Land therein mentioned lying in Balt^{re} Town in s.^{d} Co^{ty} to the Commiss.^{rs} of the said Town &c

And an Ingrossed Bill Entitled an Act for destroying Crows and Squirrels in par̄lar Counties and of red Foxes in Kent and Queen Ann's Counties were severally read and assented to and sent to the Upper House with the Paper Bills by M.^{r} Lee and M.^{r} J. Hall of Balt.^{re}

The House adjourns 'till two of the Clock

P M

The House met

J. Ridout Esq.^{r} from the Upper House delivers to M.^{r} Speaker the Bill Entitled an Act for the speedy and effectual Publication of the Laws of this Province &c Indorsed By the Upper House of Assembly 14.th Dec.^{r} 1765 Read the first and second Time by especial Order and will pass

And the Bill Entitled an Act for laying out Anew & setling and Ascertaining the future Bounds and Limits of S.^{t} Lukes Christ Church and S.^{t} Johns Parishes &c Indorsed "By the Upper House of Assembly 14.th Dec.^{r} 1765 Read the first and second Time by especial Order and will pass Which Bills were severally read here and passed for Ingrossing

J. Ridout Esq.^{r} from the Upper House delivers to M^{r} Speaker the following Paper Bills viz

A Bill Entitled an Act for erecting a New Parish in Kent County called Chester Parish for Building a Parish Church and enlarging a Chapel of Ease within the said New Parish p. 334

A Bill Entitled an Act to encrease the Allowance of Jurors attend.^{g} the Prov.^{l} and Co^{ty} Courts and for other Purposes therein mentioned

A Bill Entitled an Act to confirm a Lease made by Thomas Harrison of Balt.^{re} County for Part of a Lot therein mentioned lying in Balt.^{re} Town in s.^{d} County to the Commiss.^{rs} of the s.^{d} Town and

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their Successors and to establish a Market in the said Town and for the Regulation of the said Market

Which Bills were severally Indorsed "By the Upper House of Assembly 14.th Dec.r 1765

The Ingrossed Bill whereof this is the Original read and assented to

Signed by Order UScott Cl Up Ho

Mr Baker hath Leave of Absence

It being represented to this House that a certain Martin Casner Inhitants of Fred.k County was now in Annapolis and was capable to give Information concerng the Assembling of Men in Arms at Frederick Town

Ord.d that he be acquainted to attend at the Bar of this House forthwith to answer such Questions on Oath as shall be asked him by this House relative to the matter afs.d and the said Martin having attended accordingly he made the follg Deposition Viz

The Deposition of Martin Casner of Conococheague in Frederick County made on the Holy Evangelists of Almighty God this 14.th Day of Dec.r 1765

The said Depon.t saith that some Time the Week before last to the best of this Depon.ts Rem̃brance and a few Days after Col.o Cresap had returned Home from Annapolis One Baptist Scott with whom this Depon.t has had sev.l Dealings and whom he esteems a Man of Credit and Veracity came to this Dep.ts Mill and told him this Dep.t that Col.o Cresap had been at this Scotts House and that Col.o Cresap in Conversation about the Assembly Proceedings had signified that every Thing was in a fair Way of doing well that the Journal was likely to pass and that he expected it would pass that the Governor seemed to be very agreeable to every Thing as was done

This Depon.t saith that he left Home last Tuesday Morning and that every Thing so far as he knows was quiet in the Upper Parts of Frederick County nor did he hear otherwise than that the Public Debts were likely to be paid and the Journal pass till on his Way down he heard at Jacob Youngs (within about 6 Miles of Frederick Town) that the Journal was not likely to pass that the people in General from thence downwards so far as this Depon.t hath heard and observed are much inflamed from an Apprehension that the Public Debts are not likely to be paid This Depon.t did not see any People collected armed or arming but hath understood that there have been Deliberations whe.r for a Number of People to come to Annapolis

Sworn before me
this 14.th Dec.r 1765
M Macnemara Alderman

Martin Kirshner

The House adjourns 'till Monday Morng at 9 of the Clock

Monday 16.th Dec.r 1765

L. H. J. Liber No: 52 Dec. 16

The House met

All appeared as on Saturday

J. Ridout Esq.r from the Upper House delivers to Mr Speaker the Bill Entitled an Act for raising a Duty of 4.d Str for every Hdd of Tobo exported &c for the Support of an Agent &c Indorsed "By the Upper House of Assembly 16.th Dec.r 1765 Read the first and second Time by especial Order and will not pass

Signed by Order UScott Cl Up. Ho

And the foll.g Message Viz

By the Upper House of Assembly 16.th Dec.r 1765

Gentlemen

We should very willingly concur with you in the Enaction of a Law for the Appointm.t of an Agent [*This message beginning thus is printed in full in the Upper House journal, pp. 91-93*]

The House adjourns till two of the Clock p. 336

P M

The House met

Mr Tyler appeared in the House

The follg Ingrossed Bills Viz

An Ingrossed Bill Entitled An Act for the speedy and effectual Publication of the Laws of this ꝑvince and for the Encouragement of Jonas Green of the City of Annapolis Printer

And an Ingrossed Bill Ent.d an Act for laying out Anew and setling and ascertaining the future Bounds and Limits of St Lukes Christ Church and St Johns Parishes in Queen Anns County and of S.t Pauls Parish lying partly in Queen Anns and partly in Talbot County

were severally read and assented to and sent to the Upper House with the Paper Bills thereof by J. Hollyday Esq..r and Capt.n Ware

T. Johnson Esq.r brings in the follg Message viz

By the Lower House of Assembly 16.th Dec.r 1765

May it please your Honours

In Answer to your Message of the 13.th Instant we are truly sorry that the People have "been imposed upon by the malignt Misrepresentations of factious Men in whose Candour and Veracity they have too much confided" and we most sincerely wish "that all men may be fully informed upon a Subject which hath become the more important from the gross Deceptions which have been practised and the Discontents they have excited that they who have been injured by Aspersion may have their Characters vindicated by a full Detection

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Liber No. 52
Dec. 16

of the Falsehood and Malice of it" And for this desirable End permit us to observe that altho' M^{r} Ross is already allowed in the present Journal of Accounts upwards of 139,000^{lb} of Tobo in which is included his Yearly Salary as Cl̄k of the Upper House a Falsity has been invented and propagated by malignant Shameless Men the only Misrepresentation that we have heard of and which hath gained Belief in the Credulous that M.^{r} Ross has not any Allowance in the Journal for public Services done by him as Cl̄k of the Upper House and that the present Dispute bet̄ the two Houses is Whe.^{r} he shall be allowed his accustomed Salary as Clk of the Up.^{r} Ho. or not; a Report founded not only in Falsehood but equally in Folly from the Facility with which it may be detected by those who are in the least inquisitive

We are apprehensive notwithstanding a Committee of your House went through a laborious Examination of the Account sent us and hath made the meritorious Discovery of Omissions that M^{r} Ross's Modesty would not suffer him to charge ag.^{t} the Public many Par̄lars in that Account were not within View when your Message was formed which asserts "that the Services performed by the Clk of the Council for which he has a Claim upon the Public are in no Respect connected with the private Concerns of Lord Baltimore that they are of a general Nature relative to the whole Community that M.^{r} Ross claims nothing but for Services done to the Public that M^{r} Ross hath exh̄ited an Account of Duties actually performed by him in his Office of Clk and that it appears by his Account that if the same Rule is admitted in charging the Public which is established by the Inspection Law in Matters of private Concern the Expence of the actual Services done by him for the public would considerably exceed the Amount of the Salary" Can these be asserted or admitted as incontrovertible Facts with any Degree of Candour? On the contrary the Account itself which you have been pleased to send us Amounting with the discovered Omissions to 102,743½^{lb} Tobo is partly constituted of a Charge of 270.^{lb} Tob̄o for recording an Ind̄re bet L.^{d} Balt.^{re} and Cæcilius Calvert Esq.^{r} of the One part and the Hon.^{ble} Tho.^{s} Bennett and W.^{m} Sharpe Esq: of the other ꝑ.^{t} Settlem.^{t} of the Province of Maryland 30 Sides" against which is noted in the Margin "Articles relating to Lord Balt.^{re} Of sundry Charges on Petitions of private ꝑsons to the Governor and Council and Orders thereon in the Pet.^{rs} Favour to the Amount of 526.^{lb} Tobo of 27000.^{lb} of Tobo for 180 Inspectors Comisōns being upon an Average 20 Each Year at the Rate of 150.^{lb} of Tob̄o for Each" In the Acco.^{t} of the late Clk 3600.^{lb} of Tobo for "Inspectors Com̄isons 24 at 150.^{lb} Tob̄o Each" In the Account of the present Clk 9600.^{lb} of Tobo for 150 Days Attendance of those Gent besides some few trifling Charges for Parish Petitions And as to the Addition of 7,448.^{lb} of Tob̄o made by the Committee of the Upper House as an

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omission We have now in our Possion one of the Orig^{l} Proc^{l} for Publication of Clauses of the £40,000 Law which with those Clauses was printed by M^{r} Green the province Printer and for which he hath been satisfied by the Public

We are equally at a Loss under these Circumstances to Account for the Addition of the 7448.^{lb} Tobo as we are to conjecture whe.^{r} your Hon.^{rs} and your Committee took no Notice of the Charge 1762 April 20 50 Copies of his Matys Declaration with Procl.^{s} of War sent to the sev.^{l} Counties 714 Sides 6426^{lb} of Tobo which we imagine to have been a Mistake in M.^{r} Ross and an Excess of 4496.^{lb} of Tobo With what Justice then can a Claim for M.^{r} Ross be exh̄ited ag.^{t} any Body for the Service done by Another? With what Justice can he charge the Record.^{g} Proprietary Settlements or the Petitions of private Persons or Parishes to the Public? Or under what Rule in the Inspection Law with Regard to Matters of a private suppose it extendable to those of a public Concern can the Charge of 30,600.^{lb} of Tobo for making out 204 Inspectors Com̄isons (properly Warrants) be justified? If the Rule of 9.^{lb} of Tobo by the Side was to be adopted w,th Regard to the Inspectors Warrants as it has been with Respect to the other Charges in the Account those Warrants would not come to 18.^{lb} of Tobo each. If the Sentiments of those who occupied the Stations we are now placed in at the Time the Necessity of the Governors Warrants to the Inspectors was first created could be consulted there can be little Doubt in whose Favour those Sentiments would be and this is evidenced by their excluding the Necessity of the Great Seal or Issuing a Commission and of Consequence the Charges that are now trumped up ag.^{t} the Public besides your Honours from your Acquaintance with the History of that Part of the Inspection Law w.^{ch} alone makes the Appointment of Inspectors by the Gov.^{r} necessary well know that very diff.^{t} Motives than an Increase of Duty or Fees to the Clk of the Council Actuated the Legislature at that Time. Under what Idea of Justice y,^{r} Honours countenanced the Cha.^{s} for Days Attendance Amount^{g} in the whole to 9600.^{lb} of Tob̄o we cannot conceive: as for any Thing that appears to us or we believe to the contrary the Days Attendance and the par̄lar Services done in those Days are both extended and consequently are double Cha.^{s} From the indistinct Manner of Stating the Account it is possible we may be mistaken in this as from the same Reason we might probably be if we were to form any Guesses whe.^{r} the Service as performed by the Clk of the Council for which he has a Claim upon the Public except the One before particularized are or are not in any Respect connected with the private Concerns of L.^{d} Balt.^{re}

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Your Honours from hence with very little Trouble to your Selves may be ascertained that making only the Deductions of those Charges and Excesses that are so evidently unjust with Respect to the Public

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let the Satisfaction be made in what Manner it may for those the late and present Clk of the Council ought to be paid there remains exclusive of mere War Charges only 19,162^{lb} of Tob̄o which proportioned on nine Years and six Months, the Time for which a Salary is claimed at 9,600^{lb} of Tobo ꝑ Ann comes to 2016.^{lb} of Tob̄o Yearly but for your Honours Ease and entire Satisfaction in this Mr̄e we have herewith sent you an Account which we think fully demonstrates that M^{r} Ross since his first being Clk of the Council has rec̄ed from the public to the Amount of 153,621.^{lb} Tobo more than he ought up to the Time of his resigning that Office under an Abuse of the Rule you contend for that of allowing him an annual Salary in the Journal for Services by him done for the Public.

We are at a Loss from what your Honours could take it to be agreed "That a Salary to the Cl̄k is the most convenient Satisfaction and that the Salary of 9,600^{lb} Tob̄o or £60 Curr ꝑ Ann is a moderate Allowance" As the Terms of our Message from which alone you attempt to torture this Agreement of Ours by your own Recital appear to be that "The Services done by the Cl̄ks of the Council may merit some Salary the Quantum of w^{ch} we will not undertake to ascertain" nor did we think it necessary to spend our Time in useless Considerations on the Quantum of a Salary with which we considered ourselves at Least so far unconnected that it could not with any Degree of Propriety be discharged by a further Tax on the people. It is a Matter that we then thought and still think not properly now a Subject of our Deliberations and had not your Hon.^{rs} laid so great a Stress on it we should not have troubled ourselves with investigating a Truth that now must appear to the World that the Salary of 9,600.^{lb} or £60 Curr^{y} ꝑ Ann is an immoderate Allowance tho' your Hon.^{rs} with such Earnestness endeavour to maintain the Contrary

We still allow as we did before that the Services done by the Clk of the Council may merit some Salary and had that Admission been kept in View it might have saved your Honours the unnecessary Trouble of proving the same Thing: the Quantum made necessary only by yourselves we think we have demonstrated to be flatly against you and the Mode of Payment is in our Apprehension the only Point now remaining to be discussed

May we request your Hon.^{rs} Opinion whe.^{r} a Trust in its Nature does not oblige the Trustee to render an Acco.^{t}? Whe.^{r} by our Constitution an Acco.^{t} is not to be rendred for Monies granted for public Uses? Whe.^{r} Monies granted for the Support of Gov^{r}nment are not granted for Public Uses? the Freemen of this Province are of Opinion in the Affirmative and we their Rep^{r}sentatives speak their Sense on the Subject

We cannot think but that K. W.^{m} the 3^{d} the glorious Restorer of English Liberties knew something of that Constitution which he

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restored and settled if he did and spoke his Sense of its Principles to his Parliament in the 13.th Year of his Reign in these Words "It is always with Regret when I do ask Aids of my People but you will observe that I desire nothing which relates to any personal Expence of Mine I am only pressing you to do all you can for your own Safety and Honour at so critical and dangerous a Time and am willing that what is given shall be wholly appropriated to the purposes for which it is intended

And since I am speaking on this Head I think it proper to put you in Mind that during the late War I ordered the Accounts to be laid Yearly before the Parliament and also gave my Assent to several Bills for taking the public Accounts that my Subjects might have Satisfaction how the Money given for the War was applied and I am willing that Matter may be put in any farther Way of Examination p. 338 that it may appear whether there were any Misapplications and Mismanagements or whe.^{r} the Debt that remains upon us has really arisen from the Shortness of the Supplies or the Deficiency of the Funds" It is pretty clear he thought there ought to be an Account rendered of Monies granted for public Uses

What your Hon.^{rs} mean by insisting "that the Provincial Amerciaments are by the express Terms of a positive Law subject to the Application of the Gov.^{r} and Council only that L.^{d} Baltimore is the sole Judge in what Manner the Monies he receives as proprietary and Hereditary Gov.^{r} of this Province for the Support of Government ought to be applied to that Purpose" we cannot with any Certainty conjecture but if you mean that whilst any of the Amerciaments remain or the L.^{d} Balt.^{re} has any of that Money in Hand collected under the Pretence of Support of Gov^{r}nment not expended in the Support of Government we should lay new Taxes on or apply other Monies belonging to the People to pay Salaries to the Clks of the Council you are widely mistaken for it is Time enough to talk of new Taxes or new Applications when a Deficiency appears which we shall never believe 'till we have an Account. Suppose there sho.^{d} be a Balance of the Amerciaments or Monies recēd by the Lord Balt.^{re} for the Support of Government over and above the purposes to w.^{ch} those Amerciaments and Monies are usually applied what would your Hon.^{rs} have done with it? or suppose there should be no Actual Application at all of those Amerciaments or Monies must new Taxes be laid or Applications of other Monies be made to defray the whole Charges of Government including even a Salary to the Governor? and if any we do not see why every Part may not be withheld in equal Reason

We are not at this Time though perhaps we may be hereafter furnished with the Means of ascertain^{g} what is recēd by the Government from the People of this Province nor are we so totally ignorant

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on the Subject but that we can form a tolerable Guess and support it from Probability We Suppose the Proprietary receives annually upw.^{ds} of £900 Str on the Article of Tonnage that the Governor receives annually upwards of £200 Str on the same Article That the Proprietor receives on the 12.^{d} ꝑ Hh.^{d} annually upwards of £1400 Str and for Com̄on Law Fines and Act of Assembly Forfeitures granted for Support of Government annually upwards of £400 Currency and that the Provincial Amerciaments which as your Honours observe are to be applied as the Governor and Council shall direct Amount annually to upw.^{ds} of 2500.^{lb} of Tobo Suppose the People of this Province recognized the Right of Government in the strongest Manner to levy these Monies which has been long denied by those who have heretofore occupied the Station we are now placed in with the greatest Reputation and whose Memories are still dear to a grateful People yet we contend that the above mentioned Monies rec̄ed by the Proprietor as well as the Amerciaments subject to the Gov.^{r} and Council's Direction ought according to natural Justice and the well known Principles of our Constitution to be applied to defray the Expences of Government. We could wish with all our Hearts that the Argument you have been pleased to adduce from contemporary Practice and Exposition could be esteemed conclusive because as to the Tonnage some former Member of your House as well as ours rem̄bred when the Record of the Act under which the Tonnage Duty is pretended to be collected mentioned that Duty to be granted for Fort Charges instead of Port Charges and that Fact stands evidenced by the most solemn and deliberate Act of the Legislature against a Record suspicious on the very Face of it to whose Assertions in Mr̄es of Fact within their Knowledge Modesty requires at least an equal Acquiescence as in their Opinion on Political Rights: This Fact strengthened too by the Duty being laid on Powder and Shot excludes any Pretence that the Imposition was for a private Use and consequently this Act came under the Gen.^{l} Repealing Law of 1704 and could not possibly be excepted by the Saving of private Rights. If the 12.^{d} ꝑ Hh.^{d} is to be determined by the same Criterion the sev.^{l} Revenue Bills from 1716 to 1733 are so many deliberate Acts of the whole Legislature that tacitly deny the Existence of that Act and the Proprietary's not receiving the 12^{d} ꝑHh.^{d} under the Act of 1704 for all that Time is as strong a Concession of the Expiration of that Act as the Allowance of a Salary to the Clk of the Council on the Journal is of the Salary not being intended within the Provision so that this Kind of Reasoning proves too much or too little for y.^{r} Purpose If it proves the Clk of the Council ought to have an Allowance in the Journal it proves the Repeal of the Tonnage Act and most effectually prove the Expiration of the Act of 1704 the Intention of making which is set out in the Preamble and shews the Baltimore Family had before that Time under the Pretext of

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Charges of Government been guilty of the same Practices that they have continued ever since "That of receiving Public Money and converting it to their own Use to the Impoverishing of the Country and Defraud of the Public" no very reasonable Motive to the Legislature in 1704 to make a perpetual Law burthening their Staple with a Revenue to the same Family the Head of which at that Time was disabled by his Religious Principles to exercise not only the Office of Governor but even the most trifling Office within the English Dominions But it will be necessary as to this 12.^{d} ꝑ Hh.^{d} not only to exclude the Rule your Honours are so willing to adopt with Regard to the Clks Salary but to shew that L.^{d} Baltimore is either Heir or Successor to Queen Anne for the Duty being granted to her Majesty her Heirs and Successors for the Support of her Government for the Time being in and over her Mātys Province afs.^{d} & the Territories to the same belonging" he must to entitle himself under that Grant shew that he is within the Terms of it that is Heir and Successor to Queen Anne

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These Facts sufficiently evince the Peculiarity of the Circumstances of this Province pointed at in our Message to which you affect to be such entire Strangers and as we do not know of any so we hope no part of his Mātys Dominions are in similar Circumstances

Should we be so unhappy as to disagree as to the Right of L.^{d} Baltimore to receive the Tonnage or 12^{d} ꝑ Hh.^{d} we cannot doubt your Concurrence as to the Obligation to apply at least 12.^{d} ꝑ Hh.^{d} Amerciaments and Fines and Forfeitures to defray the Charges of Government and consequently that an Account is to be rendered thereof and though we do not claim the Right to make the par̄lar Applications we do contend that we have a Right to see that Applications are made of the whole and that until that Fact shall appear we shall think Ourselves excused from levying more or applying other Money to defray the Expences of Government nor shall we admit your Honours Belief of that Fact as Evidence in a Mr̄e that you yourselves are so entirely ignorant that you can form no Guess for we take it that it is equally necessary to know what is recēd as what is expended to induce a Knowledge or reasonable Belief that nothing remains

No Instance occurring to your Honours of any Dispute between the two Houses on the Subject of the Clk of the Councils Salary 'till May 1756 seems to imply that was the first Instance of any Refusal in the lower House to allow such Salary Had this been the Case or even suppose this Session had furnished the first Instance we should not have thought Precedent a Shrine at which the Rights of the People Com̄on Justice and the Principles of the Constitution ought to be Sacrificed but it is strange as that Vote is connected

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with the precedent Matter your Hon.^{rs} sho.^{d} not have Curiosity to trace the Subject at least thro' that Journal. The Truth is that the Refusal to make a Journal Allowance to M.^{r} Ross of a Salary as Clk of the Council took its Rise as we believe in 1749 and has been continued down to the present Time for in 1749 & 1750 we find the Journal of Accounts was sent up without the Allowance of a Salary to the Clk of the Council And the Upper House in their Message of the 30.th May 1750 the 6.th June 1751 and in June 1752 take Notice of such Omissions In Octo.^{r} Session 1753 the Up.^{r} Ho: say in their Message respting the Journal "the Lower House have not inserted the Allowance of the Council of State since the Year 1747 nor the yearly Salary of the Clk of the Council from the Year 1747. The Lower House in their Ans.^{r} refer the Members of the Council as well as their Clk̄ to Fines and Forfeitures given by Acts of Assembly and the 12.^{d} ꝑ Hh.^{d} taken by Lord Baltimore for Satisfaction. The Upper House in Another Message say "As to the Allowance for the Attendance of the Council of State and their Clerk we refer you to the Proceedings in the Debates thereon entered in your own Journals and partarly to the Journal of the Year 1736 &c" This shews that accō to the Idea of the Upper House itself the Rewards of the Council of State and their Clerk stood on the same Foundation and the Dispute in the Year 1736 as to the Council of State nominally was disputing their Clerks Salary Consequentially

In the Message of the Up.^{r} to the Low.^{r} House the 29.th April 1756 with the Journal is this Paragraph "There is no Allowance to the Members of the Council of State for their Attendance or to M.^{r} Ross for his Yearly Salary as Clerk of the Council. In this we are the more surprized as you cannot but know there are several Laws in Force which require many Services to be done by him as Clerk of the Council" In Answer to that Part which respects the Clerk the Lower House in their Message of the 1.st May 1756 said "As you say there are several Laws in Force which require many Services to be done by M.^{r} Ross as Clerk of the Council when his Account for such Services is laid before us it shall be considered and every reasonable Allowance made but to make Allowances for Services Annually performed in Compliance w.th Laws without any Account of the Services even being laid before us is a Method of Dealing out as the Peoples Money we can never come into" That Part of the Message of the Upper House which induced the Queōn mentioned in your Message is in these Words "As this Session is drawing near to a Conclusion we have not Time to enumerate the many Services done by the Clk of the Council some of which cannot be unknown to you; former Assemblies have judged it to be an useful Office and always allowed the Clk an Annual Salary in all the Journals heretofore passed the two Houses to the Year 1747 and never was denied him 'till now Therefore to speak plainly which best becomes our Station we must insist on your Making him the usual Allowance for we are determined never to give it up" On a Division of 16 to 13 the Vote passed which you have been pleased to mention and the Message you recite was framed and sent in Consequence of it

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In October Session 1763 after the Journal had been returned from the Up.r Ho: the Message of the Lo: Ho: of the 25.th Nov.r hath this Paragraph "If Mr Ross will lay before us a particular Acco.t of his Charge for Services ꝑformed by Virtue of the Laws of this Province and for which he ought in Reason to be paid by a Tax on the People of this Province we will readily insert in the Journal what may appear to us to be reasonable

Your Hon.rs will be kind enough to excuse or at least the Necessity will apologize for the long Quotations of Old Messages which when fairly recited without any Comment sufficiently prove this Truth that the Message recited by y.r Hon.rs as connected with that which Occasioned it cannot fairly be construed to imply any other public Services than those which Mr Ross might do as Clerk of the Council required by the Laws in Force to be done by him

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What Reasons your Hon.rs have for believing that what did appear from the Accounts before they were laid before us was pretty generally known as in any Manner relatg to the Knowledge of this House we are intirely ignorant for tho' we do admit that many of our Members did hear by circulating Reports that an Account of M.r Ross's Services exceeding in the Amount the Usual Salary for the same Time was in the Upper House there was equal good Authority to believe he did not intend to make any Claim on the Public for his Services as Clk of the Council and that the Journal would pass the Upper House without such Allowance What was reported as to his making no such Claim was confirmed by his not laying it before our Committee as he had generally done for upwards of 30 Years before but we believe when you consider the Consequences of this House taking Notice in an unparliamentary Manner of any thing that is before yours or the Conjectures of Idle People as to your Resolutions you would be unwilling to dispense with the Practice of Messages from the frequent groundless and unfavourable Reports respecting your Conduct. The late Lo: Ho: had often refused to make Mr Ross Journal Allowances of Annual Salaries as Clk of the Council your House was often apprized of those Resolutions by Messages Mr Ross did not make his usual Claim this Session you had his Account before you sanctioned by a Report of your own Committee but this House it seems without any Parliamentary Knowledge of its being there must ask for a Sight of it after you had omitted the Opportunity of sending it down with the Journal We may possibly be mistaken as to our Duty but we apprehend it to be to liquidate according to Justice and do what we can towards the Payment of Accounts laid before us against the Public without

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troubling ourselves in Search after or hunting up those Accounts for we speak from Experience and give this as one Instance that unjust Claims against the Public are more frequently made than just Ones are Omitted to be made. The Account however we at last had so far from making any Punctilio about applying for it this House repeated the Old refusal to pay lumping Salaries without an Account of Services and by that Means drew it forth What Sort of an Account it is pretty clearly appears from what hath been said before to which this Remark may be added that it seems to have been drawn up Omissions supplied and Approbation given to it rather with an Eye to swell the Account than the proper Attention to the Charges in the Truth and Quantum of them. Your Honours and M^{r} Ross were at a good Deal of Useless Trouble in this Business for when we intimated a Desire of having an Account particularizing the Services done by him as Clerk of the Council by Direction of the Laws of this Province we are furnished with an indistinct Account of Council Proceedings from May 1756 to October 1765 and the whole Matters we wanted Information about that is the Services done by the Direction of the Laws of this Province and on which the Upper House in the Year 1756 seems to found the principal Part of his Merit are totally omitted in the Account and only mentioned in a general Lumping Way in a Mem̄dum at the Bottom of it. May we presume in some Measure to supply the Omission by saying the only Services done by the Clerk of the Council under Direction of any Laws of this Province that we know of is his Receipt of Naval Officers Bonds and the receiving and laying before the Governor the Recommendations of Inspectors by the Vestries There may possibly be some such other Trifle but we really know of none and if there had been any other of any Consequence we suppose M^{r} Ross who is so well acquainted with the Duties of Clerk of the Council would at your Honours Request have enumerated them

Thus then stands the Matter without Regard to Precedent; you insist that M^{r} Ross shall have an Allowance in the Journal of 9600.^{lb} of Tōbo ꝑ Ann for a Salary as Clk of the Council you contend he ought to be allowed something from his being a necessary Servant to those who are entrusted with the executive Powers of Government and to prove what that something ought to be or for no Purpose that we know of you have laid his Account of Services before us We insist that the Account proves the contrary than the purpose to which it was adduced and we hope have given Satisfactory Reasons for the Assertion we say too by whom and how the Payment ought to be made is as necessary to be considered as whether any Payment is to be made that there is already Money sufficient collected rightfully or wrongfully alters not the Case for the Support of Government not only to pay this but every other necessary Expence of Government and that the Clerk of the Council being necessary as you inti-

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mate to the executive Part of Government some of whose Services too from the Nature of them cannot as you say be reduced to Account that therefore he ought to be paid out of the Money collected for the Support of Government the Propriety of this Application was the Office now to be erected we think stands sufficiently evinced and Precedent the only Argument for a Journal Allowance at this Time remains to be answered. On this Head permit us to quote the Words of a celebrated Author a very good Judge on the Subject whose Sentiments on Matters of greater Consequence than the present Dispute are as universally admired as seèn in the elegant and beautiful Dress with which he has been pleased to cloath them in a late Pamphlet Speaking of the Force of Precedent he Says "when Instances are urged as an Authoritative Reason for adopting a new Measure they are proved to be more important from this Use of them and ought therefore to be reviewed with Accuracy and canvassed with Strictness What is proposed ought to be incorporated with what hath been done and the Result of both Stated and considered as a Substantive Original Question and if far from being a rational Argument that Consistency requires an Adoption of the proposed Measure that on the contrary it suggests the strongest Motive for abolishing the Precedent when therefore an Instance of Deviation from the Constitution is pressed as a Reason for the Establishment of a Measure striking at the very Root of all Liberty tho' the Argument is inconclusive it ought to be useful

Wherefore if a suff.^{t} Ans.^{r} were not given to the Argum.^{t} drawn from Precedents by shew^{g} that none of the Instances adduced are applicable I should have very little Difficulty in denying the Justice of the Principle on which it is founded What hath been done if wrongful confers no Right to repeat it. To Justify Oppression and Outrage by Instances of their Commission is a Kind of Argument which never can produce Conviction tho it may their Asquiescence whom the Terror of greater Evils may restrain from resisting and thus p. 341 the Despotism of the East may be supported and the natural Rights of Mankind be trampled under Feet. The Question of Right therefore doth not depend upon Precedents but on the Principles of the Constitution and hath been put upon its proper Point already discussed whether the Colonies are represented or not in Parliament"

It was on this Principle if we mistake not that the glorious Revolution was effected: it is on this Principle we dare say that your Honours as a Council of State are content to wave such Parts as you do not claim or wish to have of that extensive Jurisdiction exercised by the Council under diff.^{t} Idea of Policy it was on this Principle that our Predecessors firmly and effectually opposed the Claim for Councillors Attendance Double per Diem Allowances to the same Person for Attendance in two or more Capacities in the same Day equally sanctioned by Precedent as the present Claim the monstrous

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and unreasonable Accounts of Fees for Prosecutions against those who had been guilty of Excesses in the Proprietary Disputes about the Limits of this Province and Pennsylvania and the absurd Claim of a late Governor founded only in the Abuse of a Trust conferred on him by the Public. Benefits to this Province now universally acknowledged and more than adequate to temporary Inconveniencies that those Struggles for Liberty and Justice occasioned. The part your Predecessors took in those glorious Conquests need not be exhited our Journals and yours are full of Messages from the Upper House very like your last and in those of our Predecessors solid Answers may be found to almost every thing you have advanced on this Subject. Truth and Reason have prevailed at last though the Journals of both Houses are mournful Histories of their being for a Time suppressed by Power or obscured by Proprietary Influence

We should think when your Honours reflect that our Constituents are remarkable in their Quickness to discover Right from Wrong that every People who dare to think at all know something of their own Interests & Rights you would forbear any Strokes to catch popular Applause in a Dispute so plainly against you. The Up: Ho: have heretofore made many Attempts to gain the Opinion and Confidence of the People but they have allways been unseasonable. At Times when they have treated the Rep^{r}sentative Body with great Lightness and your Journals Speak the Result wherefore then should you throw out the Offer you now do? Suppose the Matter should be determined in our Favour by the King and Council as we really think it would ought the Country to pay the Exchange of a Government Agent to carry on the Dispute against the People? you might as well contend for the Propriety of a Mans being obliged before he should be allowed to prosecute or defend his Right to supply his Adversary with Money to carry on the Contest ag.^{t} himself. If your Honours are not closely enough connected with Lord Balt.^{re} to induce him to lay what you may think proper before the King and Council it is probable a Gentleman Calvert Esq^{r} mentioned in the Court Calendar as Agent for the Province of Maryland may transact this Piece of Business for you and if he has a Right to assume that Title we presume he derives his Authority from your Honours either in your Capacity of Council of State or Upper House or from some Branch of the Government and we presume whoever gave him his Title must have given him an adequate Reward for Office and Salary seem to be as closely connected as Light and Heat we would therefore propose it to your Honours Consideration whe.^{r} in these Times of Distress it would not be more consistent with Economy and the peoples Interest for your Hon.^{rs} to employ the Titular Agent on his Old Salary than to have if you could a new Tax on the People to support an Agent against their own Interest

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That Part of your Hon.^{rs} Proposal that respects taxing the People to support an Agent for themselves had it stood singly we should have gladly embraced and for that Purpose we have this Session as Lower Houses of Assembly have for a long Time past generally done sent a Bill to your Honours which hath as usual met with your Negative we think a Tax on the People at the Request of their Rep^{r}sentatives so well known to be their Sense a natural and indubitable Right and though the Obstructions it has hitherto met with may have procured temporary Conveniencies to the Government the Termination of all points in Dispute should we think be much more desirable to the Government itself

With what Idea of Justice or real Utility to the Country your Hon.^{rs} have made the spacious Proposition "that all the public Creditors be immediately satisfied except the Members of the two Houses and the Clerk of the Council who may wait 'till a Decision of the Question shall be notified to us" we cannot conceive; your own Allowances you may with Justice defer the payment of as long as you please but this House actuated by no other Motives than those of Justice and an Attachment to the Rights and Interests of their Constituents cannot esteem their best Endeavours of so little Merit as to place them on a Level with the Clerk of the Council as to his unjust Claim Have your Honours objected in any Manner to the Justice of our Allowances? are they not given by an express Law? Is there a more rightful Claim in the Journal? Suppose the King and Council should determine in Favour of the Salary to the Clerk of the Council would the Clerk of the Council get his Salary the sooner or be in any Manner benefited by our laying out of our just Rights? Thinking the Expences incurred on Account of the late War ought from the peculiar Hardships to the Claimants to be preferred in Payment to all other public Debts we sent a List of those Debts and a Bill for their immediate Payment to your House you were pleased to indorse your Negative for no other Reason than "that there were other Persons equally entitled to Satisfaction from the Public who ought to be considered at the same Time with those who were favoured by the above Bill" How then can you the same Session propose such an Inconsistency to your own Reasoning? besides a full Payment would immediately circulate the more Money and consequently be more beneficial to the Country. But we are Apprehensive that the Payment of those Debts which we still wish Instant was obstructed and the new Proposition of a partial Payment made from Political Motives Offers of this Kind have been p. 342 often made by your, and as often refused by the Lo: Ho: and the World hath as often applauded the Prudence of the Lo: Ho: in not conceding to Propositions so dangerous to Liberty Your ample private Fortunes the Lucrative Offices your Honours enjoy make the daily Allowance from the Country contemptibile to you. Is it not

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wonderful you have not been pleased long ago to give it up entirely to the poor people and may we not hope from the amazing Increase of your Generosity and Compassion that a Session or two more will produce a Bill in your House to repeal so much of the Old Act as gives Allowance to your Members. But the case is widely different with us as we confess with Candour our private Circumstances are generally pretty strait and our Attendance here occasions great Inconveniencies to Ourselves and Families. We do not want to better our Fortunes by serving our Constituents we only want their Approbation quiet Consciences and an Indemnity ag.^{t} necessary Expences Our Constituents will give their Approbation when we deserve it and are so far from desiring our Ruin in their Service that they are impatient to pay those Wages so justly and honourably earned

We do May it please your Honours upon the most mature Consideration really and seriously think that the Clerk of the Council ought not to be paid the usual Salary nor in the usual Manner whilst any of the Money taken in any Manner and under whatsoever Direction for the Support of Government remains unexpended and we are also well satisfied much of those Monies does remain unexpended that so much of that Money as is necessary ought to be applied towards Satisfaction of any reasonable Demand the Clerk of the Council may have for Official Services performed by him for the Public and therefore we cannot agree to make the Allowances you propose on the Journal nor can we for the Reasons given you before consent to a partial Payment of Public Creditors unless in Favour of those mentioned in the List of Debts. Under the unhappy Circumstances of a Disagreement in Sentiments between the two Houses in a Matter of so much Consequence to the Public as the Payment of the public Creditors and circulating so large a Sum as is necessary for that Purpose we now propose to you that we frame and pass a Bill to raise Money to defray the Expence of an Agent to be appointed and paid and directed by the House of Delegates that the Journal be now passed without inserting the Clerk of the Councils Salary and the future Payment to depend on the Determination of the King and Council. The Agents Bill itself may apply Money contingently suff.^{t} to pay the whole of M^{r} Ross's Claim: this Method will we think effectuate every good Purpose and we are sincerely desirous that it may be adopted by your Hon.^{rs} by which "you must be acquitted of all sinister Designs to extort in the p^{r}nt Conjuncture any Concessions from the Rep^{r}sentatives of the People derogatory from the Rights of their Constituents" Or "that availing yourselves of the Distresses of the Public C.^{rs} and the Difficulties the People in General will be involved in from the Want of the Money now locked up from the Common Use you aim at an Advantage which would not be attempted at Another Crisis" should it be rejected we shall be equally concerned as your Honours and equally consoled from the Reflection that we have done every Thing in our Power to effectuate public and private Happiness L. H. J. Liber No. 52 Dec. 16

One of our Members now lying dangerously ill in the Small Pox and the just Fears of many others of that infectious and dangerous Disorder will make it impossible to keep a sufficient Number of our Members much long.r together to compose an House we therefore request your Honours speedy and final Determination as to the Passage of the Journal which Event only can make the Continuance of the Session Useful or necessary

Signed per Order MMacnemara Cl. Lo: Ho:

℔ Tobo

The late and present Clerk of the Council Account as rendred by them from May 1756 to the 31.st of October 1765 inclusive Amounts to 102,743¼ ℔ Tobo

[*This account, of which the above is the opening paragraph, appears in full in the Upper House journal, pp. 94-96*]

Which he read in his Place and afterwards delrd in at the Table p. 343

The said Message was read the first Time by the Clerk and Ordered to lie on the Table

The House adjourns 'till the Morrow Morning at 9 of the Clock

Tuesday December 17.th 1765 Dec. 17

The House met

J. Ridout Esq.r from the Upper House delivers to M.r Speaker the following Paper Bills Vizt

A Bill Entituled an Act for the Speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer

And a Bill Entitled an Act for laying out Anew and setling and ascertaining the future Bounds and Limits of S.t Lukes Christ Church and S.t Johns Parishes in Queen Anns County and of S.t Pauls Parish lying partly in Queen Anns and partly in Talbot County

Which Paper Bills were severally Indorsed By the Upper House of Assembly 17.th Dec.r 1765 The Ingrossed Bill whereof this is the Original is read and assented to

Signed by Order UScott Cl Up Ho.

The Message brought in Yesterday by Thomas Johnson Esq.r was read the Second Time by the Clerk approved by the House and Ordered to be fairly Ingrossed p. 344

Thomas Johnson Esq.r brings in the before mentioned Message Ingrossed which was read & Assented to

L. H. J. Liber No. 52 Dec. 17

M.r Turbutt Wright Clerk to the Committees appointed by this House on his Application hath Leave of Absence

The House adjourns 'till 2 of the Clock P M.

The House met

The Message which was read and assented to before Noon was sent to the Upper House by Mr Worthington and Mr Grahame

The House proceeded to tax the Bill Entituled an Act for the Enlargement of Baltimore Town in Baltimore County

To the Hon.ble Speaker	£8..0..0
To the Clerk	4..0..0

And the Bill Entitled an Act to empower Mary Covington Adm̄ix of Philip Covington late of Somerset County deceased to sell and dispose of the Lands of the said Philip for the Purposes therein mentioned

To the Hon.ble Speaker	£2..0..0
To the Clerk	1..0..0

[*And the Bill entitled, An Act to vest the Title of certain Lands, in John Hammond, Esq; and for other Purposes therein mentioned*

To the Honble Speaker	*£3:0:0*
To the Clerk	*1:0:0*]

[*The above bracketed entry as included here appears in Green's printed Votes & Proceedings for this session, p. 75, but does not appear in the original manuscript journal*]

The House adjourns 'till the Morrow Morning at 9 o Clock

Dec. 18

Wednesday 18.th Dec.r 1765

The House met

All the Members appeared as yesterday Except J. Hammond Esq.r

Tho.s Ringgold Esq.r brings in and delivers to Mr Speaker a Bill Entitled an Act for limiting the Time of Sinking the Paper Bills of Credit in this Province and other Purposes therein mentioned which was read the first Time and Ordered to lye on the Table

On Motion Ord.d that a Committee be appointed to prepare an Address to the Governor and that T. Johnson T. Ringgold J. Hollyday and S. Chase Esq.rs be a Committee for that Purpose and that they do prepare and bring in the Same

S. Chase Esq.r brings in an Address to the Governor which he read in his Place and afterwards delivered it in at the Table which being read the 1.st and 2.d Time by the Clerk was approved by the House and Ordered to be Ingrossed

S. Chase Esq.r brings in and delivers to M.r Speaker the following Ingrossed Address Viz

L. H. J.
Liber No. 52
Dec. 18

To his Excellency Horatio Sharpe Esq.^{r} Governor of Maryland
The Humble Address of the House of Delegates

May it please Your Excellency

The Unhappy Circumstance of the Small Pox being in Town and One of Our Members now Dead of that Disorder will we are ap^{r}hensive make it impossible for us to keep a Suff.^{t} Number together to compose a House longer than this Day or To Morrow and as several Useful Bills have passed both Houses and wait only for your Excellencys Assent we humbly pray you will be pleased to pass them into Laws that should we be Obliged to separate before the Mr̄es yet under Consideration of Either of the two Houses can be compleated the Country may not lose the Benefit of the Bills already agreed to

Which was read and assented to and signed by Order of the House by the Hon.^{ble} Speaker

Ord.^{d} that Col.^{o} Lloyd and M.^{r} Grahame do acquaint the Governor that this House hath prepared an Address to be presented to him and desires to know when and where he will please to receive it they return and acquaint M^{r} Speaker that the Governor signified he would receive the Address in Half an Hours Time at his House

Ord.^{d} that Col.^{o} Lloyd and three more do present the Address to the Governor

On Motion Ord.^{d} that M^{r} Speaker do Issue his Warr.^{t} directed to the Deputy Secretary of this ꝑvince to make out a Writ of Election to the Sheriff of Dorchester County to elect a Delegate to serve in the General Assembly of this Province now Sitting in the Room of Col.^{o} Henry Travers deceased

The House adjourns 'till 2 of the Clock

p. 345

P. M.

The House met

The Bill Entitled an Act for Limiting the Time of Sinking the Paper Bills of Credit &c was read the 2.^{d} Time by especial Order and will pass and was sent to the Upper House by M.^{r} Bealle and M.^{r} J. Hall of Balt.^{e} County

On Consideration of the Report brought in by M^{r} Grahame relative to the Petitions of Captain Joshua Bealle Capt.^{n} Ware Lieut^{t} Rezin Bealle Barton Lucas and Alexander Somerville the House allowed

	Current Money
To said Joshua Bealle in full for his Services and Expences during the late War	£200..0..0
To Capt.^{n} Ware	250..0..0
To Lieut, Rezin Bealle for his Services	100..0..0
To Ensign Alex.^{r} Somerville for his Expences and Services	20..0..0
To Barton Lucas for his Services	40..0..0

L. H. J. Liber No. 52 Dec. 18 All which Sums of Money to be paid in Dollars at 7/6

Ou Reading the Second Time the Memorial of William Lynn of Frederick County and on Consideratōn of the Same the House allowed him £60 to be paid in the same Manner as the before mentioned Officers are directed to be paid

The House adjourns 'till the Morrow Morning at 9 of the Clock

Dec. 19 Thursday 19.th Dec.r 1765

The House met

John Ridout Esq.r from the Upper House delivers to Mr Speaker the following Message Viz

By the Upper House of Assembly Dec.r 19.th 1765

Gentlemen

The General Question between us is whether the Clerk of the Council for his Services to the public shall be allowed in the Journal the Annual Salary of 9600lb of Tobo payable at the Rate of 12s:6d ꝑ Cent hitherto always claimed of and paid by the Public in every former Journal regulated and assented by all the Branches of the Legislature Or whether he shall be allowed Nothing in the Journal for his Services to the Public [*The message beginning thus is printed in full in the Upper House journal, pp. 97-110*]

p. 351 Which was read and Ordered to lie on the Table

Daniel Dulany and John Ridout Esq.rs from the Upper House acquaint Mr Speaker that the Governor requires the Attendance of the Members of the lower House immediately in the Upper House

Mr Speaker left the Chair and (with the rest of the Members of the Lower House) went to the Upper House where he presented to his Excllency the Governor the following Ingrossed Bills Viz

N.o 1 An Ingrossed Bill Entitled a Supplementary Act to the Act Entitled an Act relating to the Standard of English Weights and Measures

2 An Ing.d Bill entitled an Act for the further Enlargement of Baltimore Town in Balt County

3 An Ing.d Bill entitled a Supplementary Act to the Act ent.d an Act ascertaining what Damages shall be allowed upon protested Bills of Exchange

4 An Ing.d Bill Ent.d an Act to enable the Justices of S.t Mary's County Court to assess and levy on the Taxable Inhabitants of S.t Andrews Parish a Q̄ty of Tob̄o for Building a Church and for other purposes therein mentioned

5 An Ing.d Bill Ent.d an Act to enable the Justices of S.t Mary's County Court to assess and levy on the Taxable Inhitants of all

Faiths Parish a Q̄ty of Tob̄o and for other Purposes therein mentioned L. H. J. Liber No. 52 Dec. 19

6 An Ing.^{d} Bill Ent.^{d} an Act for the Benefit of the poor and Encouragement of Industry

7 An Ing.^{d} Bill Ent.^{d} an Act for the Building a Vestry at S.^{t} Pauls Church in Kent County

N° 8 An Ing.^{d} Bill Ent.^{d} an Act to revive and aid the Proceedings of Cæcil County Court p. 352

9 An Ing.^{d} Bill Ent.^{d} an Act to empower Mary Covington Adm̄ix of Philip Covington late of Somerset County dec̄ed to sell and dispose of the Lands of the said Philip for the purposes therein mentioned

10 An Ing.^{d} Bill Ent.^{d} an Act to prevent the Mischiefs arising from the Multiplicity of Useless Dogs and other Purposes therein mentioned

11 An Ing.^{d} Bill Ent.^{d} an Act for the Relief of certain languishing Prisoners in the sev.^{l} Jails therein mentioned

12 An Ing.^{d} Bill Ent.^{d} a Suppl Act to the Act Ent.^{d} an Act for Limitatōn of certain Actions for avoiding Suits at Law

13 An Ing.^{d} Bill Ent.^{d} an Act to vest the Title of and in certain Lands in John Hammond Esq.^{r} and for other Purposes therein mentioned

14 An Ing.^{d} Bill Ent.^{d} an Act to establish a Road from hunting Creek in Dorchester to Dover in Talbot County

15 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent.^{d} an Act for the Relief of such ꝑsons as cannot find Surety for their Appearance to testify as a Witness ag.^{t} any person arrested accused or prosecuted for any Criminal Matter

16 An Ing.^{d} Bill Ent.^{d} an Act cont^{g} an Act Ent.^{d} an Act to enable the sev.^{l} and resp̄tive County Clerks w.thin this ꝑvince to remove some of the County Records and Papers from the Public Offices

17 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent.^{d} an Act for the more effectual Punishment of Negroes & other Slaves and for taking away the Benefit of Clergy from certain Offenders and a Suppl Act to an Act Ent.^{d} an Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves and directing the Manner of trying Slaves

18 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent a Suppl Act to an Act Ent.^{d} an Act laying an Impositōn on Negroes and several Sorts of Liquors imported and also on Irish Servants to prevent the Importing too great a Number of Irish Papists into this Province

19 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent.^{d} an Act to make the Testimony of convicted Persons legal ag.^{t} convicted Persons

L. H. J. Liber No. 52 Dec. 19

20 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent.^{d} an Act for the more effectual Punishment of certain Offenders and for taking from them the Benefit of Clergy

21 An Ing^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent.^{d} an Add.^{l} & explanatory Act to the Act Ent.^{d} an Act impowering the Comm.^{rs} of the County Courts to levy and raise Tob̄o to defray the necessary Charges of their Counties and Parishes

22 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent.^{d} an Act relating to Guardians and Orphans

23 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent.^{d} an Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors and running of Horse Races near the Yearly Meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings And also One other Act Ent.^{d} an Act to prevent certain Evils and Inconveniences attending the Sale of strong Liquors and running of Horse Races near the Yearly Meetings of the People called Quakers and to prevent the Tumultuous Concourse of Negroes and other Slaves during the s.^{d} Meetings

24 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent.^{d} an Act to exempt persons appearing at Musters from Arrests in Civil Cases

25 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent^{d} an Act for Punishment of Horse Stealers & other Offenders

26 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent.^{d} an Act for destroying Wolves in Frederic County

27 An Ing.^{d} Bill Ent..^{d} an Act contin^{g} an Act Ent.^{d} an Act for repairing the Public Roads in this Province and the Suppl Act thereto

28 An Ing.^{d} Bill Ent.^{d} an Act contin^{g} an Act Ent.^{d} an Add.^{l} Suppl Act to the Act Ent.^{d} an Act relat^{g} to Servants and Slaves

29 An Ing.^{d} Bill Ent.^{d} a Suppl Act to the Act Ent.^{d} an Act for amend^{g} the Staple of Tob̄o for preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees

30 An Ing.^{d} Bill Ent.^{d} an Act to enable the Visitors of Kent County School for the Time being to lease out part of the Land belonging to the said School

31 An Ing.^{d} Bill Ent.^{d} a Suppl Act to the Act Ent.^{d} an Act for building a Church in S.^{t} James's Parish in Ann Arundel County

32 An Ing.^{d} Bill Ent.^{d} an Act for erecting a new Parish in Kent County called Chester Parish and for Building a Parish Church and enlarging a Chapel of Ease within the said New Parish

p. 353 N.^{o} 33 An Ing.^{d} Bill Ent:^{d} an Act to encrease the Allowance of Jurors attending the Prov.^{l} and County Courts and for other purposes therein mentioned

L. H. J.
Liber No. 52
Dec. 19

34 An Ing.^{d} Bill Ent.^{d} an Act to confirm a Lease made by Tho.^{s} Harrison of Balt.^{e} County for Part of a Lot of Land therein mentioned lying in Balt.^{e} Town in s.^{d} County to the Comm.^{rs} of the s.^{d} Town and their Successors and to establish a Market in the s.d Town and for the Regulation of the s.^{d} Market

35 An Ing.^{d} Bill Ent.^{d} an Act for destroying of Crows and Squirrels in parlar Counties and of red Foxes in Kent and Queen Ann Counties

36 An Ing.^{d} Bill Ent.^{d} an Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City or Annapolis Printer

37 An Ing.^{d} Bill Ent.^{d} an Act for laying out Anew and settling and ascertain^{g} the future Bounds & Limits of S.^{t} Lukes, Christ Church & S.^{t} Johns Parishes in Queen Ann's County and of S.^{t} Pauls Parish lying partly in Queen Ann's and partly in Talbot County

All which his Excellency the Gov.^{r} passed into Laws in the usual Manner

M^{r} Speaker (with the rest of the Members) returned to the Lower House and resumed the Chair

The House adjourns 'till 2 of the Clock

P M

The House met All the Members appeared as in the Morning except M.^{r} E. Gantt

On Motion the Question was put whe.^{r} the Bill Ent.^{d} an Act for the speedy Payment of sundry Persons sev.^{l} Sums of Money allowed to them on Account of the late War together with the Lists of Debts incurred on Acco.^{t} of the late War shall be again sent to the Upper House? or Not

Resolved in the Negative

For the Affirmative

Ringgold
Lloyd
Buchanan
Worthington
Johnson
H. Hollyday
Cockey Deye
J. Hall [of] Balt
Heath
Ward
Murdock
Chase
J. Hollyday
Chapline
Smith [15]

For the Negative

Key
Sothoron
Grahame
Parran
Hanson
Dent
Ware
R. Goldsborough
Lee
Hyland
Bealle
Jacob
Tyler
J. Hall [of] Annap^{s}
Allen
Selby [16]

L. H. J.
Liber No. 52
Dec. 19

Henry Hollyday Esq.^{r} brings in and delivers to M^{r} Speaker the following Report Viz

By the Committee appointed to inspect into the State of the several Public Offices and to make Report thereof to the House

Your Committee beg Leave to inform your Hon.^{ble} House that early in the Session they entred upon an Examination of the State of the Public Offices and made some Progress therein but the advanced Season of the Year the Dampness of those Offices and the close Attendance of your Comm̄ee on your Hom.^{ble} House have prevented their Making so thorough an Exāīāton as will be necessary to perfect a Report and your Comm̄ee humbly conceive that to evince the great Utility of such a Work at a convenient Season they need only observe that in comparing sev.^{l} Orig.^{l} Wills with the Records in the Commissary's Office they did not in any one Instance find the Record agree with the Original

Signed ꝑ Order Jn.^{o} Duckett Jun.^{r} Clk

which was read the first Time and Ord.^{d} to lye on the Table

On Reading the 2.^{d} Time the Message from the Up. Ho. sent with Gen.^{l} Murray's Letter represent^{g} the Distress of the Inh̄itants of Montreal occasioned by Fire and on Consideration thereof

The Question was put that a Contribution be made by this Province to the Sufferers by Fire at Montreal

Resolved in the Affirmative

For the Affirmative

Key
Ringgold
Lloyd
Johnson
Grahame
Parran
H. Hollyday
R. Goldsborough
Lee
J. Hall [of] Balt
J. Hollyday
Allen
Chapline
Smith
Chase
[15]

For the Negative

Sothoron
Buchanan
Hanson
Dent
Ware
Cockey Deye
Hyland
Ward
Murdock
Bealle
Jacob
Tyler
Selby
J. Hall [of] Ann.^{s}
[14]

The House adjourns 'till the Morrow Morning at 9 o' the Clock

L. H. J.
Liber No. 52
Dec. 20
p. 354

Fryday 20.th Dec.r 1765

The House met

All the Members appeared as yesterday except Mr Wright

On further Consideration of the Message from the Up. Ho. and Gen.l Murrays Letter

On Motion the Queōn was put that the Sum of £600 Str be contributed to the Sufferers by Fire at Montreal

Resolved in the Negative

For the Affirmative

Key
Ringgold
Lloyd
Worthington
Johnson
Grahame
H. Hollyday
R. Goldsborough
Lee
J. Hall of Balt.r
Heath
Chase
J. Hollyday
Allen
Smth [15]

For the Negative

Sothoron
Buchanan
Parran
Hanson
Dent
Smallwood
Ware
Cockey Deye
Hyland
Ward
Murdock
Bealle
Jacob
Tyler
Hall of A
Selby
Chapline [17]

The Queōn was put that the Sum of £500 Str be contributed to the Sufferers by Fire at Montreal

Resolved in the Negative

On a Division the same Members were for the Affirmative and Negative as were for the preceding Question

Daniel Dulany Esq.r from the Up Ho delivers to Mr Speaker the Bill Ent.d an Act for limiting the Time of sinking the Paper Bills of Credit &c Ind.d By the Up. Ho. of Assembly the 20.th Dec.r 1765 Read the first and second Time by especial Order and will pass

Signed ꝑ Order UScott Cl. Up. Ho.

which Bill was read here and passed for Ingrossg

On Motion Ord.d that the Hon.ble Speaker M.r Murdock Col.o Tilghman M.r Ringgold & M.r Johnson or any three or more of them be a Comm̃ee to correspond with Charles Garth Esq.r in the Recess of Assembly and that they lay before this House an Account of their Correspondence

On Motion that the Consideration of the Message from the Up. Ho. with Gen.l Murray's Lr̃e be referred to next Session of Assembly

Resolved in the Affirmative

L. H. J.
Liber No. 52
Dec. 20

For the Affirmative

Key
Sothoron
Ringgold
Lloyd
Worthington
Johnson
Grahame

Parran
H. Hollyday
Smallwood
R. Goldsborough
Lee
J. Hall of Balt
Heath

Murdock
Chase
J. Hall, A.
J Hollyday
Allen
Chapline
Smith [21]

For the Negative

Buchanan
Dent
Ware

Cockeye Deye
Hyland
Ward

Jacob
Tyler
Selby [9]

[*Green in the printed Votes and Proceedings for this session, page 85, records Bealle as voting in the affirmative*]

On Motion Ord.^{d} that a Message be sent to the Up. Ho. relative to the Sufferers by Fire at Montreal and that J. Hall and J. Hollyday Esq.^{rs} do prepare and bring in the Same

It being represented to this House that Parchment Paper Quills Wafers Ink Powder & Record Books is wanted for the Use of the Public

On Motion Ord.^{d} that a Bill be prepared to empower the Comm.^{rs} of the Paper Currency Office to send to London for Stationary Ware for the Use of the Upper and Lower Houses of Assembly and that T. Johnson Esq.^{r} and M^{r} Grahame do prepare and bring in the Same

The House adjourns 'till 2 of the Clock

P. M.

The House met

T. Johnson Esq.^{r} brings in and delivers to M^{r} Speaker a Bill Ent^{d} an Act to enable the Comm.^{rs} or Trustees of the Loan Office to purchase Stationary Ware for the Use of the Upper and Lower Houses of Assembly

p. 355 which was read the first and second Time by especial Order and will pass

John Hall Esq.^{r} brings in and delivers to M^{r} Speaker the foll^{g} Message Viz

By the Lower House of Assembly 20.th Dec.^{r} 1765

May it please your Honours

This House having taken into Consideration the Case of the unhappy Sufferers by the Fire at Montreal in May last did resolve that they would contribute a Sum of Money for their Relief but a Difference in Opinion having arisen among us about the Quantum of the Sum it would be proper to apply to that Purpose having Respect to our own Circumstances and the heavy Debt with which the Country is now burthen'd we have resolved to refer the Consideration of that Matter to the Consideration of next Session of Assembly and herewith return your Honours the Papers you sent us relative to that Subject Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

L. H. J.
Liber No. 52
Dec. 20

which he read in his Place and delivered it in at the Table. The Same was read by the Clerk the 1.st and 2.d Time was approved and Ord.d to be Ingrossed

The said Message was bro.t in Ingrossed and read and assented to

Thomas Ringgold Esq.r brings in and delivers to Mr Speaker an Ingrossed Bill Ent.d an Act for limiting the Time for Sinking the Paper Bills of Credit now Current in this Province and other Purposes therein mentioned which was read and assented to and sent to the Up.r Ho. with the Paper Bill thereof with the Message bro.t in by J Hall Esq.r and the Bill Ent.d an Act to enable the Comm.rs &c to purchase Stationary Ware &c by M.r Grahame and M.r Cockey Deye

On Motion Ord.d that an Address be prepared to his Excellency to acquaint him that the Treasurers of Each Shore have Omitted to bring in their Acco.ts according to the Duty required of them

And that T. Johnson and T. Ringgold Esq.rs do prepare and bring in the Same

T. Johnson Esq.r brings in and delivers to Mr Speaker an Address to the Governor which he read in his Place and afterwards delivered it in at the Table

The Same was read the 1.st and 2.d Time by the Clerk approved and Ord.d to be Ingrossed

Benedict Calvert Esq..r from the Up. Ho. delivers to Mr Speaekr the Bill Ent.d an Act to enable the Comm.rs of the Loan Office to purchase Stationary Ware &c Ind.d By the Up. Ho. of Assembly Read the 1.st & 2.d Time by especial Order and will pass

Signed by Order UScott Cl. Up. Mo.

which Bill was read here and passed for Ingrossing

Thomas Ringgold Esq.r brings in and delivers to Mr Speaker an Ing.d Bill Ent.d an Act to enable the Comm.rs or Trustees of the Loan Office to purchase Stationary Ware necessary for the Use of the Up.r & Lo. Houses of Assembly which was read and assented to and sent to the Up. Ho. with the Paper Bill thereof by M.r Bealle and Mr Smith

L. H. J. Liber No. 52 Dec. 20

The following Ingrossed Address Viz

To his Excellency Horatio Sharpe Esq.^{r} Governor and Commander
in Chief in and over the Province of Maryland

The Humble Address of the House of Delegates

May it please your Excellency

It is with Concern we find Ourselves under the disagreeable Necessity of informing your Excellency that the Treasurers have been so very remiss in their Duty that they have not laid their Accounts before us either in the last or present Session of Assembly tho' it is notorious they have large Sums of Money in their Hands belonging to the Public which were raised by Acts that require an Account thereof to be laid before the General Assembly every Session

p. 356 We therefore request your Excellency to Order the Bonds of those Officers to be put in Suit for these Neglects that those who enjoy the Profits may see a Necessity of complying with the Duties of Offices

Was read and assented to and signed by Order of the House by the Hon.^{ble} Speaker

Ord.^{d} that M.^{r} Parran and M.^{r} Chase do acquaint his Excellency that this House hath prepared an Address to be presented to him and desires to know when and where he will please to receive it. They return and acquaint M^{r} Speaker that the Gov.^{r} signified he would receive the Address im̄ediately in the Conference Chamber

Ord.^{d} that M.^{r} Parran and three more do present the Address to the Governor

Benedict Calvert Esq.^{r} from the Upper House delivers to M^{r} Speaker the Paper Bill Entitled An Act to enable the Commiss.^{rs} of the Loan Office to purchase Stationary Ware for the Use of the Upper and Lower Houses of Assembly Ind.^{d} "By the Upper House of Assembly Dec.^{r} 20.th 1765 The Ingrossed Bill whereof this is the Original is read and assented to

Signed by Order UScott Cl. Up. Ho.

Ord.^{d} that Edmund Key Esq^{r} and M^{r} Lee do acquaint his Excellency the Governor that no Public Business lies before this House to transact

Benedict Calvert and Daniel Dulany Esq.^{rs} from the Up. Ho. acquaint M^{r} Speaker the Gov.^{r} requires the Attendance of the Members of the Lo: Ho: immediately in the Upper House

M^{r} Speaker left the Chair and (with the other Members of the Lower House) went to the Up:^{r} House and there presented to the Gov.^{r} the following Ingrossed Bills Viz

38 An Act for limiting the Time for sinking the Paper Bills of Credit now Current in this Province and other Purposes therein mentioned

39 An Act to enable the Commissioners or Trustees of the Loan Office to purchase Stationary Ware necessary for the Use of the Upper and Lower Houses of Assembly

L. H. J.
Liber No. 52
Dec. 20

Which his Excellency passed into Laws in the usual Manner and made the following Speech Viz

Gentlemen

I have thought fit with the Advice of his Lordship's Council of State to prorogue this Assembly to the first Monday in March next and you are to take Notice that you are prorogued to that Day accordingly.

So Endeth this Session of Assembly this 20.th Day of December in the Year of Our Lord One thousand seven Hundred and Sixty five.

Test. MMacnemara Cl lo ho.

ACTS OF THE ASSEMBLY PASSED IN NOVEMBER–DECEMBER, 1765

Liber H. S. No. 1 1765 p. 532

At a Session of Assembly begun and held at the City of Annapolis on Friday the first Day of November in the fifteenth Year of the Dominion of the Right Honble Frederick Absolute Lord and Proprietary of the Provinces of Maryland & Avalon Lord Baron of Baltimore & so forth Anno Domini 1765 and ending the twentieth Day of December following.

The following Laws were enacted & assented to by his Excellency Horatio Sharpe Esquire Governor.

No. 1 [Preamble]

A Supplementary Act to the Act entitled an Act relating to the Standard of English Weights and Measures

Whereas by the Act entituled, an Act relating to the Standard of English Weights and measures no penalty is imposed upon persons buying by any dry measure or measures without first having the said Measure or Measures tryed and Stamped at the Standard as there is upon the Seller: And Whereas it is represented to this General Assembly that many Buyers of Grain Flaxseed and other Commodities when the people have carried them a great distance to Market refuse to buy them unless by measure or measures of their own which have been found upon Tryal to be larger than the Standard aforesaid

[Penalty on Persons buying, unless the Measures are agreeable to the Act of 1715, ch. 10]

Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor, and the Upper and Lower Houses of Assembly and the Authority of the same that if any Person or Persons Shall hereafter Buy by any dry Measure or measures being his her or their property or found or provided by him her or them Contrary to the True Intent and meaning of the above recited Act he she or they shall forfeit and pay the Sum of five Pounds Current money for every Offence, one half thereof to the Informer or him, her or them that Shall Sue for the Same and the other half to be paid into the Hands of the Treasurer of the respective Shore when such forfeiture shall happen and applied as the General Assembly for the time being shall direct and appoint to be recovered in any Court of Record within this Province by Action on the Case, Action of Debt, Bill of Indictment or Information wherein no Essoin, protection or wager of Law or more than one Imparlance shall be allowed.

[Action to be brought in a year]

Provided always that Such Action shall be commenced within one year from the time of the said Offence being committed and not afterwards

Liber H. S.
No. 1

December the 4.th 1765 Read and Assented to By the Lower House of Assembly Signed ꝑ order MMacnemara Cl Lo. Ho.	On behalf of the Right Honourable the Lord Proprietary of this Prov- ince I Will this be a Law Hor.^{o} Sharpe	December the 5.th 1765 Read and Assented to By the Upper House of Assembly Signed by Order UScott Cl: Up. Ho.

The Great Seal
in Wax app.^{t}

No. 2 An Act for the further Enlargement of Baltimore Town in Baltimore County

[Private
Act]

Whereas Cornelius Howard of Baltimore County together with Sundry the Inhabitants of said County have by their humble petition to this present general Assembly Set forth that there is on the West and South sides of Baltimore Town thirty five Acres of Land or thereabouts very commodious to be laid out into Lotts and Joined to Baltimore Town afs.^{d} and thereby prayed that it might be Enacted And be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the Same that the Commissioners of said Baltimore Town or the major part of them do and they are hereby directed and required at some Time before the Twenty fifth Day of March next ensuing to Cause the said thirty five acres of Land to be surveyed and laid out into Lotts and Streets at the proper Costs and Expences of the said Cornelius Howard in Such manner as to them shall seem convenient and that when the same shall be so done the said thirty five Acres of Land Shall be and are hereby declared to be part of Baltimore Town afs.^{d} to all Intents and Purposes as fully and amply as if included Originally therein and have the same Immunities and Privileges as the rest of the said Town by any Law or Laws heretofore made or hereafter to be made ought to have and any Person or Persons who shall Build or improve on the said thirty five Acres of Land after the same shall be laid out into Lotts as by former Laws relating to the said Town is directed, and purchase the same from the Proprietor or Proprietors, shall have such Estate as they shall Contract for and Purchase in any Lott or Lotts so purchased and built on, but the Purchaser or Purchasers of any part of the said thirty five Acres of Land are hereby left to agree with the Proprietor or Proprietors thereof and not otherwise to have any Title to any of the said new Lott or Lotts to be laid out by Virtue of this Act

p. 533

4.th Dec.^{r} 1765. Read and Assented to by the Lower House of Assembly Signed ꝑ Order MMacnemara Cl, Lo. Ho,	On the behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law Hor:^{o} Sharpe	4.th December 1765 Read and Assented to By the Upper House of Assembly Signed by Order UScott Cl, Up. Ho.

The Great Seal
in Wax app.^{t}

Liber H. S. No. 1

No. 3 A Supplementary Act to the Act Entituled an Act ascertaining what Damages shall be allowed upon Protested Bills of Exchange

[Inland Bills, etc. of equal nature with Foreign, etc.]

Be it Enacted by the right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the Debt or Damage which shall or may become due or arise Upon or from the nonpayment of any Inland Bill of Exchange, Order or negotiable Note which shall or may be Drawn or passed after the first Day of January next shall be deemed and accounted a Debt of equal nature with any Foreign Protested Bill of Exchange returned into this Province within four years after the date thereof and in the payment of Debts by Executors or Administrators shall be discharged in the same Rank and Degree with such foreign Protested Bill as aforesaid Timely notice being given thereof This Act [Continuance] to Continue for three years and unto the end of the next session of Assembly which Shall happen after the Expiration of the said three years

4 Dec.^{r} 1765.
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Cl, Lo, H,

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor.^{o} Sharpe

The Great Seal
in Wax app.^{t}

December the 5.th 1765
Read and Assented to By the Upper House of Assembly
Signed ꝑ order
UScott Cl: Up: Ho.

No. 4 An Act to enable the Justices of Saint Marys County Court to Assess and Levy on the Taxable Inhabitants of Saint Andrews Parish a quantity of Tobacco for Building a Church and for other Purposes therein mentioned

[Preamble] Whereas the Rector, Vestrymen Church Wardens and other the principal Inhabitants of Saint Andrews Parish in Saint Marys County by their humble Petition to this general Assembly have set forth, that the Church of the said Parish is an Antient Building, very much p. 534 gone to Ruin, so that it Cannot be Expected to Stand long nor is it practicable to repair the same They therefore humbly pray that an Act may pass to enable the Justices of the said County to Levy on the Taxable Inhabitants of the said Parish the sum of two hundred Thousand Pounds of Tobacco, clear of all deductions, and Sheriffs Salary for Collection to be Levied at three equal Assessments, in order to Build a new Church in the said Parish, which being by this present general Assembly thought reasonable

[200,000 ℔ Tobacco, to be levied at Three Assessments]

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the advice and consent of his Lordships Governor, and the Upper and Lower Houses of Assembly and the Authority of the same, that it shall and may be Lawful to and for the Justices of Saint Marys County Court for the time being, and they are hereby

Liber H. S. No. 1

Authorized and required at the laying their County Levy in November Court Seventeen hundred and Sixty Six and so in November Court yearly untill the year Seventeen hundred and Sixty eight inclusive to Assess, and Levy by three equal assessments on the Taxable Inhabitants of Saint Andrews Parish in the said County a Quantity of Tobacco not exceeding two hundred Thousand pounds of Tobacco, in the whole three Assessments Clear of the Sheriffs Salary of five per Cent for collecting the same which said sum of two hundred Thousand pounds of Tobacco the said Sheriff is hereby Authorised and required to Collect and receive accordingly; and when so collected and received to pay the same to the Order of the Vestrymen and Church Wardens of the said Saint Andrews Parish for the time being to be by them applyed to the finishing and compleating a Parish Church for the Use of the said Parishioners and to no other use or purpose whatsoever.

[Rector, &c, to purchase Land for building a new Church]

And whereas the place where the Church now stands is inconvenient in its situation to many of the Parishioners who are desirous to have the Same Built, as near the Center of the said Parish as Can be judged. Be it further Enacted by the Authority aforesaid, That the Rector Vestrymen and Church Wardens or the major part of them of the said Parish are hereby authorised and impowered to purchase out of the Tobacco hereby granted two acres of Land which they shall judge the most convenient place in the said Parish for erecting and building the said Church upon, and which two Acres when purchased shall be and remain to and for the Use of the Parish aforesaid for ever.

December the 4.th 1765
Read and Assented to
By the Lower House of Assembly
Signed ꝑ Order
MMacnemara Cl: Lo. Ho.

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor.o Sharpe

December 5.th 1765.
Read and assented to
By the Upper House of Assembly
Signed by Order
UScott Cl: Up. Ho.

The Great Seal
in Wax App.t

No. 5 An Act to enable the Justices of Saint Mary's County Court to assess and Levy on the taxable Inhabitants of All Faith's Parish a Quantity of Tobacco and for other Purposes therein mentioned.

p. 535

[Preamble]

Whereas it is represented to this general assembly by a Petition from the Vestrymen and Protestant Inhabitants of the Parish of All Faiths in Saint Mary's County that the Church of the said Parish is utterly decayed and that the Inhabitants of the said Parish are in want of a new Church and also a Chapel of Ease and have by their petition prayed that a quantity of Tobacco not exceeding one hundred and twenty Thousand may be assessed and levied on the Taxable Inhabitants of the said Parish at not less than three equal assessments and Collections for the Purpose of Building and erecting a new

Liber H. S. No. 1

Church and also a Chapel of Ease for the said Parish And whereas they have further by their Petition set forth that are upwards of two hundred Taxables which were extra-parochial before the Death of the Reverend M.^{r} Urquehart and which by his Death became added and united to All Faiths Parish and that the several and respective Sheriffs of Saint Mary's County from the Time the said Taxable Inhabitants became extra-parochial have collected and received the thirty per poll without accounting to any one for the same and they have prayed that the Tobacco so by the Sheriffs collected and received from those extraparochial Taxables untill the Death of M.^{r} Urquehart and which by his Death became added and united to All Faiths Parish may be accounted for and paid by the several and respective Sheriffs to the Rector Vestrymen and Church Wardens of the said Parish and to be by them added to the Quantity of Tobacco hereby intended to be assessed and Levied for the better erecting building finishing and Compleating the said Parish Church and also the Chapel of Ease, it is therefore prayed that it may be enacted,

[Justices to levy 120,000 ℔ Tobacco at 3 Assessments]

And be it Enacted by the Right Honourable the Lord proprietary by and with the advice and consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same, that the Justices of Saint Mary's County Court for the time being are hereby Authorised and empowered to Assess and Levy at their next November Court on the Taxable Inhabitants of all Faiths Parish the quantity of one hundred and twenty Thousand Pounds of Tobacco together with the Sheriffs Salary of five per centum for collection at not less than three equal Assessments which said quantity of one hundred and twenty thousand pounds of Tobacco shall be collected and Levied by the Sheriff of the said County who is hereby Authorised and directed to collect and Levy the same in the same manner as other Parish Assessments are by Law directed to be levied and collected, and the said Tobacco when collected according to each years equal Assessment shall be paid to the Vestrymen and Church Wardens of the said Parish

[Vestrymen, &c to receive 30 per Poll from the extra-parochial taxables]

And be it further Enacted by the Authority aforesaid, that the Vestrymen and Church Wardens of the said Parish are hereby Authorised and empowered to receive and collect of, and from the Several and respective Sheriffs or in case of their or either of their Death, from their Executors or Administrators who shall or may have collected and received such thirty per poll from the Extra parochial Taxable Inhabitants which by the Death of the Reverend M.^{r} Urquehart the late Rector, became added and united to the said Parish of All Faiths which said Tobacco the said Sheriffs or their Executors or Administrators are hereby obliged to pay unto the said Vestrymen and Church Wardens

p. 536

[Rector, &c impowered to contract, for building a Church and Chapel of Ease]

And be it further Enacted by the Authority aforesaid, that the Rector Vestrymen and Church Wardens of the said Parish or the

Liber H. S. No. 1

major part of them are hereby Authorised and impowered directed and required to agree and contract with a Workman or Workmen to undertake erect Build and in a Workmanlike manner compleat and finish on the place where the present decayed Parish Church now stands, a new Parish Church, to and for the Use of the Parish aforesaid, and also in like manner to agree and Contract for the Building of a Chapel of Ease for the said Parish on the Land of M.^{r} Thomas Reeder where a Certain John Knott of Saint Mary's County formerly lived, And the said Rector Vestrymen and Church Wardens or the major part of them are hereby enabled and impowered to agree with and Purchase from the said Thomas Reeder one Acre of the Land whereon John Knott formerly lived for the Purpose of Building the said Chappel of Ease which said Acre of Land when bought shall be and remain to and for the Use of the Parish aforesaid.

Dec.^{r} 4th 1765
read and assented to by the Lower House of Assembly
signed ꝑ Order
MMacnemara Cl: Lo. Ho.

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law.
Ho.^{ro} Sharpe

The Great Seal in Wax appendant

5.th Dec.^{r} 1765.
Read and assented to by the Upper House of Assembly
Signed by Order
U Scott Cl: Up: Ho:

No. 6 An Act for the Benefit of the Poor And Encouragement of Industry

[Preamble]

Whereas the making of Linnen Cloth of Flax and Hemp of the growth of this Province would be of great Advantage to the Inhabitants thereof; to the end therefore that so Usefull and Beneficial a Work may be encouraged, it is prayed that it may be enacted

[Justices impowered to assess 8,000 ℔ of Tobacco yearly, to be partly applied in Bounties on Linen, regards being had to the Whiteness]

And be it Enacted by the Right honourable the Lord Proprietary by and with the advice and consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That at the November County Courts within this Province next the end of this present session of Assembly And at every November Court during the Continuance of this Act the Justices of each respective County shall Assess on the Taxable Inhabitants of each respective County the sum of Eight Thousand Pounds of Tobacco in the same manner as the other County Charges are assessed together with Six per Cent for the Sheriffs Salary to be paid to and collected and Levied by the said Sheriffs in the same manner as County Levies are paid collected and Levied to be applied to the Uses and purposes following, That is Say eleven hundred pounds of Tobacco to be paid to the person who shall bring to August Court next ensuing on Wednesday in the first Week thereof and to every August Court afterwards during the Continuance of this Act on the same day and Week thereof the best piece of Linnen Cloth of twenty five Yards at least in length and one yard at least in breadth the sum of one thousand pounds of Tobacco, to the person who shall bring the second

p. 537

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best piece of the length and breadth aforesaid nine hundred pounds of Tobacco, to the person who shall bring the third best piece of Linnen of the length and breadth aforesaid the sum of Eight hundred pounds of Tobacco to the person who shall bring the fourth best piece of Linnen of the length and breadth aforesaid the sum of Seven hundred pounds of Tobacco to the person who shall bring the fifth best piece of Linnen of the Length and breadth aforesaid, In which said pieces of Linen regard shall be had by the Justices of the respective Courts who are hereby impowered to View, examine, and determine on all Linnen to be produced in consequence of this Act, to the quality and whiteness thereof.

[Residue how to be applied, no regard to be had to the Whiteness]

And be it further Enacted by the Authority advice and Consent aforesaid that the residue of the said eight thousand Pounds of Tobacco so to be Levied as aforesaid by Virtue of this Act, shall be paid and applied to the Several Persons and uses following (that is say) to the person who shall bring into the August Court aforementioned on the respective days thereof aforementioned, The first best piece of Linnen of twenty five yards at least in length and not under one yard wide the sum of Nine hundred Pounds of Tobacco, to the Person who shall bring in the Second best piece of Linnen of the length and breadth last described, the sum of eight hundred Pounds of Tobacco, to the Person who shall bring in the third best piece of Linnen of the length and breadth aforesaid the sum of seven hundred Pounds of Tobacco, to the person who shall bring in the fourth best piece of Linnen of the length and breadth aforesaid the sum of six hundred Pounds of Tobacco, to the person who shall bring in the fifth best piece of Linnen of the length and breadth aforesaid the sum of five hundred Pounds of Tobacco in which said Pieces of Linnen no regard shall be paid to the whiteness

[Provided the Flax, &c be made &c in the County]

Provided always that the Linnen for which the County by this Act is to be given and allowed, shall be made of Flax or Hemp of the growth of this Province, And that such flax and Hemp shall be actually Manufactured after the swingling thereof by white persons only, and that no person shall be allowed any bounty for Linnen but in the County where the flax or Hemp is spun and the Linnen wove and whitened, and the Linnen aforesaid shall be wove by white persons after the end of this Session of Assembly. To all which, such proof shall be made as shall be satisfactory to the Justices of the respective County Courts before whom the same shall be brought

[Justices to Cut the Linen in two equal Parts]

And Provided likewise that it shall and may be Lawfull for the said respective Justices and they are hereby required to Cut each piece of Linnen for which the Bounty is allowed, into two equal parts or to use such methods as they shall think fit without much damage to Such Linnen, to prevent two Rewards being given for one and the Same piece of Linnen, and then to Return it to the bringer

Liber H. S. No. 1

or Proprietor thereof Provided also that where the Tobacco levied as aforesaid shall not be applied to the Uses aforesaid then the Justices of the County Courts where such application shall not be made shall apply the Tobacco so levied to the County the ensuing year.

[Continuance]

This Act to Continue five years and to the end of the next session of Assembly which shall happen after the expiration of the said five years.

4.th Dec.r 1765.
Read and assented to
By the Lower House of
Assembly
Signed by Order
MMacnemara Cl: Lo. Ho.

on Behalf of the Right
Honourable the Lord
Proprietary of this Prov-
ince I Will this be a Law.
Hor.o Sharpe

5 Dec.r 1765.
Read and Assented to
By the Upper House of
Assembly
Signed by Order
UScott Cl: Up: Ho.

The Great Seal
in Wax appendant

No. 7 An Act for the Building a Vestry House at Saint Paul's Church in Kent County.

p. 538

[Preamble]

Whereas the Vestrymen Church Wardens and other Inhabitants of Saint Paul's Parish in Kent County have by their petition to this general Assembly represented that there is at this Time a Large Quantity of Tobacco in the hands of the said Vestry over and above the necessary Repairs of the said Parish by Reason of a vacancy of an Incumbent in the said Parish for some time past and pray that the said Vestry may be enabled to apply Twenty Thousand Pounds of the said Tobacco towards erecting and finishing a Sufficient and convenient Vestry House at the Parish Church of the said Parish and for the same when built to be and remain under the Care of the Vestry in the same manner as other parish Buildings

[Vestry to contract for the building of a Vestry House]

Be it therefore enacted by the Right honourable the Lord Proprietary by and with the advice and consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the authority of the same That it shall and may be Lawful for the Vestry aforesaid and they are hereby directed and required in some short Time after this session of Assembly to contract and agree with some proper Person or Persons for the erecting, building, finishing, and compleating a sufficient and convenient Vestry House at the place aforesaid in the best manner they can so as not to cost above twenty thousand Pounds of Tobacco at the most the Cost of which said Vestry House not exceeding twenty Thousand pounds of Tobacco as aforesaid they are hereby impowered to pay out of the said Tobacco now in their hands belonging to the said Parish any Law Statute or Usage to the Contrary in any wise notwithstanding.

[For 20,000 ℔ of Tobacco]

[When built to remain under the care of the Vestry]

And be it further enacted by the Authority Advice and consent aforesaid that the said Vestry House when built shall be and remain

Liber H. S. No. 1 under the Care of the Vestry in the same manner as other Parish Buildings.

December the 4..th 1765.
Read and Assented to By the Lower House of Assembly
Signed by Order
MMacnemara Cl: Lo. Ho.

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor..o Sharpe

The great Seal in Wax Appendant

5.th Dec.r 1765.
Read and Assented to By the Upper House of Assembly
Signed by Order
UScott Cl: Up. Ho.

No. 8 An Act to revive and aid the proceedings of Cecil County Court

Ex.d [Preamble] Whereas Cecil County Court held in the Month of March in the year one thousand seven hundred and Sixty four was by adjournment continued untill the fifteenth Day of May in the same year, at which fifteenth Day of May a new Commission of the Peace for the said County was opened and published, under which none of the Commissioners therein named did qualify themselves by Reason whereof the Actions, Process and Proceedings depending and undetermined in the said March Court were discontinued; for aiding therefore the said Actions Process and Proceedings and so far as may be relieving the Suitors of the said Court from the Loss and damage that might be occasioned by such discontinuance. p. 539

[Process, &c. revived in Caecil County Court] Be it enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That all Actions Process and Proceedings as well Criminal as Civil which were depending and undetermined in the said Cecil County Court held in the Month of March in the year one Thousand Seven hundred and Sixty four except as herein after excepted, shall be construed judged and taken to be in the same Situation state and Condition at the next March Court to be held for the said County, and the Justices of the said County Court for the time being may then proceed to the hearing and determining or further continuing and thereafter hearing and determining the said Actions Process and Proceedings respectively as the Case may require as fully and effectually as the Justices of the said Court held in the said Month of March in the year one Thousand seven hundred and Sixty four could or might Lawfully have done the said Discontinuance or any other Matter or Thing to the Contrary in any wise notwithstanding

[Proviso] Provided nevertheless That in case any Plaintiff or Plaintiffs in any Suit or Suits so discontinued hath or have brought his her or their Action or Actions a new Since Such Discontinuance and hath or have caused or procured the Defendant or Defendants therein to be arrested or where either the Plaintiff or defendant in any of the said Actions hath died Since such Discontinuance by reason whereof

Liber H. S. No. 1

such Suit or Suits would have been discontinued if the same had been depending at the Time of Such Death or shall die before the said Next March Court such Actions shall not be taken to be within, but are hereby excepted out of the Provisions of this Act

[Proviso in regard to Bail]

Provided also that nothing in this Act shall extend or be construed or charge or make liable the Bail in any Action so discontinued or the Bail or sureties bound by Recognizance for the appearance of any Person or Persons criminally prosecuted at the said March Court one Thousand Seven hundred and Sixty four and on which Recognizance no Default was then entered but such Bail and Sureties shall be in the same State and condition as if this Act had never been made

[In case of Discontinuance or Abatement, Plaintiffs, or their Executors, &c. may bring Actions anew]

And be it further enacted that in Case where the said Actions so discontinued or any of them were brought and prosecuted within the Time limitted by Law and the Plaintiff or Plaintiffs Defendant or Defendants hath or have died since such Discontinuance or shall die before the said next march Court to be held for the said County it shall and may be Lawfull for the said Plaintiff or Plaintiffs his her or their Executors or Administrators to bring his her or their said Action or Actions anew against the said Defendant or Defendants his her or their Executors or Administrators respectively as the Case may require and to prosecute the same with Effect and shall not be barred in such Action or Actions by any Act of Limitation provided such new Action or Actions shall be commenced on or before the first Day of August which shall be in the year of our Lord one Thousand seven hundred and Sixty Six.

Dec.r 4.th 1765
Read and Assented to
By the Lower House of
Assembly
Signed ꝑ Order
MMacnemara Cl: Lo. Ho.

On Behalf of the Right
Honourable the Lord
Proprietary of this Province
I Will this be a Law
Hor:o Sharpe

5.th Dec.r 1765
Read and Assented to
By the Upper House of
Assembly
Signed by Order
UScott Cl: Up: Ho

The great Seal
in Wax Appendant

No. 9 An Act to impower Mary Covington Administratrix of Philip Covington late of Somerset County deceased to Sell and dispose of the Lands of the said Philip for the Purposes therein mentioned

[Private Act]
p. 540

Whereas the said Mary Covington by her humble Petition to this general Assembly hath Set forth that the said Philip Covington died on or about the first day of September in the year of our Lord God seventeen hundred and Sixty three leaving Philip his Eldest Son at That Time about twelve years of age, and Rebecca about Eight years of Age, Levin about five years of Age, and Nehemiah about two years Of Age being also the Children of the said Mary possessed of a Personal Estate amounting to the sum of one hundred and eighty four Pounds and five Pence Current Money and siezed in fee Simple

Liber H. S. No. 1 of a Tract of Land Called Covington's Conclusion containing three hundred and forty eight Acres; one other Tract called Covington's Adventure containing Sixty Acres And one other Tract called Sweetwood containing three hundred Acres all lying in the County aforesaid contiguous to each other and the said Philip at the time of his Death was indebted to sundry Persons on open Account to the amount of Sixty three Pounds Current Money and upwards and by Bonds to sundry other Persons to the amount of three hundred and forty three Pounds three shillings and Nine pence one Farthing Current Money of Maryland for the Payment of which several Persons were bound as his Sureties and that the said Philip Covington together with a certain Daniel Jones of the County aforesaid were Sureties for a Certain Nehemiah Covington in a Bond for the Payment of one hundred and one pounds Seventeen Shillings and seven pence Current Money of Maryland which said Nehemiah has become Insolvent never having discharged the said Debt. And whereas the said Mary did further Set forth that she had applied The full amount of the Personal Estate towards the payment of one of the Bonds aforesaid and that there still Remains a Charge on the said Lands of upwards of four hundred Pounds Current Money which will be annually increasing by the Interest thereon and that the Houses and Improvements on the said Lands are becoming annually less valuable the said Child the Heir at Law not having any slaves or other Personal Estate to keep the Same in Repair And that it would be greatly to the Advantage of the Heir at Law that a sale should be made of the said Lands and a Speedy discharge of the incumbering Bonds praying that in Order the Debts of the said Philip might be discharged the Securities kept indemnified and the Interest of the Heir promoted an Act of Assembly might pass to enable her to dispose of the said Lands with such Provisions as should be thought proper And whereas it appears to this general Assembly that the material Facts set forth in the said Petition are true it is therefore prayed that it may be enacted

And be it enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the said Mary Covington shall be and is hereby impowered to Set up and expose to sale at Public Vendue to the highest Bidder the said three Tracts of Land Called Covington's Conclusion, Covington's Adventure, and Sweetwood in the Petition aforesaid mentioned with the Appurtenances to each of them belonging three Months Notice of the said Sale and the Time and place of such
p. 541 Vendue being first published by setting up Notes at the Court House Door of Dorchester Somerset and Worcester Counties and of accomack and Northampton Counties Virginia and the said three Tracts of Land and Premisses with their Appurtenances and all the Estate,

Liber H. S. No. 1

Right, Title, Interest, Use, Claim and Demand of him the said Philip Covington at the Time of his Death in Law or Equity of in and to the said three Tracts of Land with their Appurtenances and of in and to every part and parcel of them to make over and convey by Indenture of Bargain and Sale or by any other proper Conveyance or Conveyances in the Law to the Person who shall bid and give the best and highest Price therefor as effectualy and fully to all Intents and Purposes as if the said Mary Covington was Seized in her own Right of and in the like Estate in the said three Tracts of Land and Premises with their Appurtenances as the said Philip Covington was seized of at the time of his Death which sale and conveyance shall be as effectual to bar the Heirs of the said Philip Covington as if the same had been made by himself in his life time and the money arising from or on such Sale to lay out or apply to the payment and Discharge of Such legal Debts of the said Philip Covington as Still remain due and unpaid first paying and discharging the Several Bond Debts of the said Philip and the overplus thereof if any shall be secured and put out at Interest to and for the Use and Benefit of the Heir at Law of the said Philip or such Person or Persons in Case of Death as Should be intitled to the said Lands had this Act never been made. And to the End that there may be a just Application of the money arising from Such Sale and that the overplus if any may be duly Secured Be it enacted that the said Mary Covington shall before such Sale give Bond in the Penalty of fifteen hundred Pounds Current Money of Mary Land with sufficient Sureties to the Deputy Commissary of Somerset County in the Name of the Right Honourable the Lord Proprietary of this Province in the same manner and form as is Usual for Executors or Administrators to give (which said Bond shall be by the said Deputy Commissary transmitted to and lodged in the Prerogative office in Annapolis) with condition to the same Bond annexed that the obligors in the same Bond named shall dispose of and account for the Money arising by such Sale agreeable to the Intention of this Act and shall at such Sale produce a Certificate from the said Deputy Comissary of such Security having been given and also that the said Mary Covington shall within Six Months after the Sale as aforesaid account with the Commissary for the Produce of Such Sale and give Security for the Ballance if any according to the Intent and meaning of this Act Provided always that the Mary Covington Shall and may retain a Commission of ten per Centum on the Money arising by the said Sale and no more and that the overplus if any nor any Part of it shall at any Time be let out at Interest but on such Security as shall be first approved by the Justices of Somerset County for the time being or the Major part of them

Provided further and be it enacted that this Act nor any Conveyance or Conveyances to be made in Pursuance thereof shall extend

Liber H. S. No. 1 to bar the said Mary Covington from her claim of Thirds or Dower in the said three Tracts of Land and Premisses with their Appurtenances nor shall this Act be construed to impower the said Mary Covington to burthen or Charge the Heir or Heirs of the said Philip Covington or any Person or Persons claiming by from or Under them or any of them with any general or other warranty p. 542 than against the said Philip and his heirs Saving to his Most Sacred Majesty his heirs and successors the Right Honourable the Lord Proprietary his heirs and successors and all Bodies Politick and Corporate and all others not mentioned in this Act their several and respective Rights

Dec.^{r} 4..th 1765.
Read and assented to By the Lower House of Assembly
Signed ꝑ Order
MMacnemara Cl: Lo: H:

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor:^{o} Sharpe

The great Seal in Wax Appendant

5..th Dec.^{r} 1765.
Read and Assented to By the Upper House of Assembly
Signed by order
UScott Cl: Up: Ho..

No. 10 Ex.^{d} An Act to prevent the mischiefs Arising from the Multiplicity of Useless Dogs and other Purposes therein mentioned.

[Mode of Taxation, and how to be collected with relation to Dogs] Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the upper and Lower Houses of Assembly and the authority of the same That during the Continuance of this Act there shall be paid yearly and every year to the Sheriff of the County by every Single Person not having or keeping a Family, and having Property in or keeping any Dog above the Age of Six Months of what Size or kind soever the sum of one shilling and if there should be more than one Dog owned or kept as aforesaid by any Such Person the sum of five Shillings for every other Dog so owned or kept, and if there should be more than one Dog owned or kept as aforesaid by any Master Mistress or Head of a Family at any one plantation or by him or her permitted or Suffered to be kept thereon by any Servant or Servants Slave or Slaves there shall be paid to the sheriff as aforesaid by such Master Mistress or other Head of a Family the sum of one Shilling for every other Dog so owned or kept or permitted or Suffered to be kept as aforesaid. And that the Constables of the respective hundreds in the several Counties within this Province shall yearly and every year at the time of taking the Taxables in their respective hundreds take an Exact Account of the Number of Dogs owned or kept by any Single Person not having or keeping a Family, and also the Number of Dogs more than one belonging to every Family within their respective hundreds and the Person or Persons liable to the payment of the sums of Money as aforesaid shall be obliged to give a list thereof to the Constables in the same manner, under their hands as they are by Law obliged to give in their Taxables, and return two fair Lists thereof to every August Court with the Constables Lists one to be lodged with the Clerk of the County the other to be delivered, to the Sheriff, who is by this Act impowered and obliged to Collect the money aforesaid in, the same manner that the County Levy is collected; And if any Person or Persons shall conceal or deny that he she or they have property in or kept any such Dog or Dogs or hath or have permitted or Suffered the Same to be kept as aforesaid and the Constable hath reason to believe the Contrary it shall and may be Lawfull for him and he is hereby Commanded to give in the name or names of the Person or Persons so offending or Supposed to have offended to some one Justice of the Peace of the respective County who is hereby authorized and impowered, directed, and required to Summon such Person or Persons at a Day and place by him prefixed and there to examine such Person or Persons touching such Complaint and upon its Appearing by Sufficient and disinterested Testimony to be True the said Justice shall give Judgment and grant execution if need be for the sum of twenty shillings for every Dog so concealed or denied belonging to or Continuing at the House of the said Party or parties ten days next before the Information of Such Constable with Costs one half of the said twenty Shillings to the Constable aforesaid the other half to be paid to the Sheriff of the County for the same Uses as the Tax raised by Virtue of this Act,

p. 543

[Damage done by Dogs, how to be remedied]

And be it further Enacted by the Authority aforesaid, That when any Person or Persons within this Province shall have Sustained Damage by Dogs of any kind, age or Size, killing or Wounding his her or their Sheep it shall and may be Lawfull for him her or them to call in two Neighbouring Freeholders of good Credit not being related to the Person or Persons Injured who are hereby impowered to view the sheep so killed or Hurt, and if it shall Appear upon positive or Circumstantial Proof to their Satisfaction that they were killed or Wounded by Dogs only, then the said Freeholders shall Certifie the same with the True and real value of the Sheep or Damages Sustained and the Number killed or hurt under their hands.

[Sheep kill'd or hurt by Dogs, the damage to be made good by the Owner of such Dogs]

And be it further Enacted by the Authority aforesaid that when ever any Sheep within this Province shall be killed or Hurt by any Dog or Dogs and it is known whose Dog or Dogs it was or were that did the Mischief if the owner or possessor of Such Dog or Dogs shall neglect or Refuse to kill the Same twenty four hours after notice given thereof or to make Satisfaction to the Person or Persons so injured, after demand made, it shall and may be Lawfull for the Person or Persons so injured to Get the value of the Sheep, or the Damages certified by two Creditable Freeholders as aforesaid whose Certificate shall be deemed and held to be Sufficient Evidence of the Fact Certified as aforesaid, and commence his, her, or their Action or Actions against he Owner or Possessor of Such Dog, or Dogs before any Single Justice of the Peace of the County if fifty Shillings or under, and if upwards in the County Court of the County where the Damage was done, if the owner or Possessor aforesaid shall not reside in another County within this Province and if he or she shall reside in another County before a Single Justice of the County wherein he or she shall reside, if fifty Shillings or under or if above that Sum in the County Court of the County wherein the said Owner or Possessor shall reside, and recover the same with Costs of Suit.

[Such damages how recover'd]

[Penalty for suffering Proud Bitches, to go at large] p. 544

And be it further Enacted that if the owner or keeper of any Bitch, shall whilst she is proud or in Heat, Suffer her to go at Large from the Limits of his her or their own plantation or Tenement or the plantation or Tenement whereon he, she, or they usually keep such Bitch, such owner or keeper shall forfeit and pay the sum of twenty Shillings Current Money for every such offence to be recovered before a Single Justice of the Peace with Costs, and in Case of small Debts, one half thereof to the Informer, the other half to be paid to the Sheriff of the County for the same Uses as the Tax raised by Virtue of this Act.

[Dogs worrying Sheep, Hogs, &c. may be killed]

And be it further Enacted that if any Person or Persons shall find any Dog killing or Worrying or running after and pursuing his her or their Sheep Hogs or other Stock within their own Inclosures, it shall and may be Lawfull for them immediately to kill the same Dog or Dogs, and if it Can be proved by any disinterested Evidence that such Dog had before killed or Worried any Sheep Hogs or other stock as aforesaid, and the same Came to the knowledge of the owner or possessor thereof then and in such Case it shall and may be Lawfull for the Person or Persons injured to get the Value of the Sheep or Damages Certified as above and commence his or their Action for the Recovery thereof as aforesaid,

[Persons hunting on Lands, &c. with Dogs, forfeit 20 s]

And whereas it may often happen, that Sheep or Hogs may be killed and Destroyed by Idle, loose or disorderly Persons hunting and Rambling about on other peoples Lands with a Dog or Dogs; Be it Enacted By the Authority Advice and consent aforesaid, That if any Idle, loose or disorderly Person shall be hereafter seen hunting or Strolling about with a Dog or Dogs upon any Persons Land without the Owners Leave; he shall forfeit and pay the sum of Twenty Shillings Current Money for every such offence to be recovered before a Single Justice of the Peace by Warrant as in case of small Debts with Costs, one half thereof to the Informer, the other half to be paid to the Justice before whom such recovery shall be had and to be by him paid over to the Sheriff of the County for the same Uses as the Tax raised by Virtue of this Act.

And be it further Enacted by the Authority aforesaid, that the Sheriffs of each County shall keep an exact account of all the

Liber H. S. No. 1

mony's they shall have received under this Act, and the said Monies shall keep in their hands untill the first day of November Court Yearly and shall attend at the Court House of their respective Counties on the said first day of November Court yearly, at which time and place each and every Person having Certificates as aforesaid, shall produce them in order to be paid off by the Sheriffs of the County's respectively who are hereby Authorised and required to do the same out of the Monies by them so collected and received as aforesaid but if they or any of them should not have Mony Sufficient to pay the whole in such Case the Several Claimants shall be paid in Proportion to their Several Claims, all which Certificates shall be Indorsed expressing the Sums received thereon and Signed by the Persons receiving the same. And be it further Enacted that the Several Sheriffs shall and may retain in their Hands for their Salary or Commission Six per Centum of the Monies collected and received in pursuance of this Act and shall and are hereby required to render a fair Account every November Court to the Justices of each respective County of the said Monies so received and paid away with the Vouchers and Receipts of Such payment and if any Overpluss the same to be applied by the said Justices towards defraying the County Charge at the Laying the Levy;

[Monies received by Sheriffs, by Virtue of this Act, to be by them paid every November Court]

[Sheriffs Salary 6 per cent]

p. 545

Provided nethertheless that this Act shall not extend to the South Mountain in Frederick County or to any part of the said County to the Westward of the said South Mountain, anything in this Act contained to the Contrary Notwithstanding.

[Proviso as to part of Frederick County]

And be it Enacted by the Authority aforesaid, that in Case any Dog shall be found attending upon or following any Convict servant, Negro, or other slave not being on the plantation of his Master or Mistress, the Master Mistress or Overseer of Such Servant or Slave not being present, such Convict Servant, or Slave shall or may be taken up and carried before any Single Justice of the Peace and by his order receive any Number of Stripes on his Naked Back not exceeding fifteen for any one Offence

[Convicts or Negroes, rambling with Dogs, may be whipp'd]

Provided always that in Case the said Servant or Slave shall have leave by Writing or otherwise from his Master Mistress or Overseer Permitting or ordering such Servant or Slave to be attended or followed by any Dog, that such Servant or Slave shall not be liable to the Punishment aforesaid.

[Except they have leave from their Masters]

And be it Enacted by the Authority aforesaid that in Case any Master Mistress or other Head of a Family shall give in to the Constable any Dog or Dogs not in fact belonging to or kept for the proper Use or Convenience of such Master Mistress or other Head of a Family in Order and for the Purpose of evading the Tax aforesaid intended to be imposed by this Act upon Dogs owned or kept by Single Persons not having or keeping a Family such Master Mistress

[A Fine of 20 s. on Heads of Families, for giving the Constable wrong lists]

Liber H. S. No. 1 or other Head of a Family shall forfeit, and pay the sum of Twenty shillings for every such offence the said sum to be recovered before any Single Justice of the Peace as aforesaid one half whereof to the Informer and the other half to the Sheriff of the County for the Same Uses as the Tax raised by Virtue of this Act.

[Continuance] This Act to Continue and be in, force, for, three years, and to the end of the Next session of Assembly that may happen after the end of the said three years.

December 4.th 1765. Read and Assented to by the Lower House of Assembly Signed ꝑ order MMacnemara Cl: Lo. Ho.	On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law Hor:o Sharpe	5.th Dec.r 1765 Read and assented to By the Upper House of Assembly Signed by order UScott, Cl: Up. Ho.

the great Seal
in Wax App.t

No. 11 Ex.d An Act for the Relief of Certain languishing Prisoners in the Several Goals therein mentioned.

[Preamble with the names of Prisoners relieved by this Act] Whereas James Dailey and William Spry languishing Prisoners in Queen Anne's County Goal, Stephen Garland, Isaac Roads, and John Garlington languishing Prisoners in Somerset County Goal, Levin Townshend a languishing Prisoner in Worcester County Goal, Nathaniel Wickham, John Turnbull, John Lanham and John Campbell languishing Prisoners in Frederick County Goal, p. 546 Dorcas Warner William Clowes Thomas Tyler and George Cox languishing Prisoners in Dorchester County Goal, John Brown a languishing Prisoner in Saint Mary's County Goal, Samuel Tannehill Baldwin Skidmore & John Brashears languishing Prisoners in Prince Georges County Goal, Augustine Pecker Stephen Johnson Nicholas Minskie John Knox Samuel Tunbridge Luke Gill Jasper Hall languishing Prisoners in Ann Arundel County Goal, John Hughes Nathan Shaw John Lemons John Grenif Howard John Denning John Jones John Condron Soloman Wheeland Joseph Barham and Thomas West languishing Prisoners in Baltimore County Goal and John Wood a languishing Prisoner in Calvert County Goal by their Petitions to this present general Assembly have Set forth that they have respectively continued Prisoners for Debt in the Custody of the Sheriffs of the respective Counties aforesaid for a considerable time past and still continue in the like deplorable Circumstances not being able to redeem their Bodies with all the Estate or Interest they have in the World which they would readily Surrender up and part with to their several and respective Creditors if they would accept of the same and grant the said Petitioners their Liberty which seems so unlikely for them to obtain (that unless relieved by a particular Act to be passed in their Favour which by their said Petitions they have humbly prayed) they must inevitably continue Prisoners for Life and as the Allegations of the said Petitioners appear to this general Assembly to be true and that their lying in Goal Can be of no advantage to their Creditors it is humbly prayed that the said Petitioners may be relieved according to their Prayers and that it may be Enacted

[Prisoners to be discharged on delivering up their Effects, on Oath]

And be it Enacted by the Right honourable the Lord Proprietary by and with the advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same That in Case the said Prisoners shall deliver up and surrender or cause to be delivered up and Surrendered to the Sheriffs of the respective Counties aforesaid in the Presence of two Justices of the Peace of the County aforesaid whom the said Sheriffs are hereby required to summon at the Request of the said Prisoners at some convenient Time after the Receipt of this Act not exceeding five days all their Real and Personall Estate either in possession Reversion Remainder or in Trust or in or unto which they have any Claim or Interest whatsoever and likewise before the day before mentioned convey Assign transfer and make over unto the Sheriffs respectively for the Use of the said Creditors all such their Estate Interest or Claim as aforesaid after such manner as by the said Sheriffs and by the Major Part of Such Creditors or of such of them as shall think fit to direct therein or their Council learned in the Law shall reasonably devise or require at the Costs and Charges of the Persons who shall claim Benefit thereof so that the Prisoners be not burthened with any Warranties thereby other than against themselves or those claiming by from or Under them and that the said Prisoners At the Time of Such their Surrender and transferring their Estate as aforesaid shall take their Solemn Oaths (or affirmation of Quakers) before the said two Justices aforesaid to the Effect following Viz.^t p. 547

[The Oath]

I A B do affirm or Solemnly swear that the Goods Debts and Effects which I have delivered Assigned and made over to the Sheriff of County and in Trust for the Use of my Creditors is the whole Estate both real and Personal of my own in Possession or that I have any Title to in the World and that I have not any Estate Goods or Effects of any kind whatsoever left either in possession Reversion or Remainder (the necessary wearing Apparel of myself Wife and Children and working Tools excepted) and that I have not directly or Indirectly sold Leased or otherwise conveyed disposed of or intrusted all or any part of my Estate thereby to defraud my Creditors or to secure the same to receive or expect any Proffit or Advantage thereof So help me God" it shall and may be Lawful for the Sheriffs of the Counties aforesaid after the end of the said five days and they are hereby required to discharge the said Prisoners and Suffer them to go at Large

[To be discharged from future arrests on appearance, &c]

And be it further enacted That if the said Prisoners or any of them shall be arrested or imprisoned on any Process Sued out on

Liber H. S. No. 1 any Judgment or Decree obtained against any of them for any Debt Damages or Costs contracted, owing or growing due before the End of this session of Assembly the Court out of which such Process issued shall and may discharge such Prisoner on Motion And if the said Prisoner or any of them shall be arrested or imprisoned on any Process for the Recovery of any Debt Damages or Costs contracted owing or growing due before the End of this session of Assembly the Court or Justice before whom such Process shall be returned Shall and may discharge the Party arrested out of Custody on his or her common Appearance being entered without any Special Bail Provided that the discharge of the said Prisoners or any of them shall not acquit any other person from such Debt Damage or Cost or any Part thereof but that all such Persons shall be answerable for the same in Such manner as they were before the passing of this Act

[Debts to stand good in Case, &c] Provided always and be it enacted by the Authority aforesaid that notwithstanding the discharge of the said Prisoners or any of them all and every Debt or Debts due and owing from him her or them and all and every Judgment had or Decree obtained against him her or them shall stand and be good and effectual in Law to all Intents and Purposes against the Lands Tenements and Hereditaments Goods and Chattels of him her or them and which he she or they or any other Person in Trust for the Use of him her or them had at the Time of the discharge of the said Prisoners or any of them or which he she or they at any Time hereafter shall or may be any way seized or possessed of or interested in to his her or their own Use or in his her or their own proper Right either in Law or Equity (except the wearing apparel, Bedding and Working Tools of him her or them not exceeding the sum of ten pounds Current Money) and it shall and may be Lawfull for any of their Creditors their Executors Administrators or Assigns to take out new Execution or Executions without any scire Facias previous thereto against the Lands Tenements or other Hereditaments Goods and Chattels of the said Prisoners or any of them (except as before excepted) for the Satisfaction of his her or their Debts in such sort manner and form as he she or they might have done if the said Prisoners or any of them had not been taken in Execution or discharged by Virtue of this Act

p. 548 [Actions of Escape] And be it further Enacted by the Authority aforesaid that if any Action of Escape be brought against any Sheriff or any Suit or Action against any Justice or Justices for their performing their Duty in Pursuance of this Act he or they may plead the general Issue and give this Act and the special matter in evidence And if the Plaintiff be nonsuit or discontinue his Action or Verdict pass against such Plaintiff or Judgment upon Demurrer the Defendant shall have and Recover double Costs

Provided also that nothing in this Act shall extend or be construed to extend to bar any Creditor or Creditors of the before mentioned Prisoners from having and Maintaining any Action of Escape against any Sheriff who hath permitted any Escape before the making this Act

Liber H. S. No. 1 [Proviso, as to Escape]

Provided nevertheless that in Case any of the said Prisoners shall at any Time after making such Oath or affirmation as aforesaid be convict of Wilfull and corrupt Perjury thereupon or of a Wilful Breach or noncompliance with the Tenor of Such Oath or affirmation as aforesaid that then the said Prisoner shall upon such conviction as aforesaid be wholly deprived of any Benefit intended to him her or them by this Act and shall from thenceforth be liable to be prosecuted for any Debt or Demands whatsoever in the same manner as if this Act had never been made any thing to the Contrary notwithstanding

[In case of Perjury]

Provided also that the respective Sheriffs of the Counties aforesaid shall be first paid and Satisfied their Imprisonment Fees before any Creditor or Creditors shall have or receive any Share or part of the Estates of the said Prisoners respectively or of the produce thereof

[Sheriffs to be first paid]

And be it further enacted That after publick notice given by Advertisements Set up at the Court House Door of the County thirty days at the least of the Sale of any of the said Prisoner's Lands and five days at the least of the Sale of any of the said Prisoners other Estate the said Sheriffs to whom any of the said Estates Real or Personal shall be Surrendered and delivered up in Pursuance of this Act Shall set up and expose such Estates to Sale by Way of Publick Vendue in the presence of one Justice of the Peace and the produce arising by such Sale shall be by the said Sheriffs in manner following paid and Satisfied (that is to Say) after Satisfaction of the aforesaid Imprisonment Fees that the Estate and Interest of the aforesaid Prisoners respectively upon which their Judgment Creditors or any claiming or that shall claim under them by Assignment or otherwise have or shall have any Lien or the Produce thereof shall be in the first place after Satisfaction of the Sheriffs as aforesaid applied to the discharge of the said Creditors according to the order and priority of their Judgments and the Lien arising therefrom and that the Residue of the Estate and Interest of the said Prisoners respectively or the Produce thereof shall be distributed among all their Creditors that Shall apply therefore within thirty days after the aforesaid Sale in equal Proportion to their demands

[Notice to be given of the Sale of the Prisoner's Estates, &c]

And be it further Enacted that all the Accounts Bonds Notes and other demands which any of the said Prisoners have against any Person or Persons whatsoever shall be by the said Prisoner or prisoners assigned to the Sheriff in whose Custody such Prisoner or Prisoners shall be at the time of their discharge and that such Sheriff or Sheriffs shall and may Maintain an Action or Actions on such

[Bonds, &c belonging to the Prisoners to be assigned to the Sheriff] p. 549

Liber H. S. No. 1

demands as Assignee of such Prisoner or Prisoners in his own name Provided always that such Creditor or Creditors require and demand Such Sheriff to Sue and give to Such Sheriff a Bond to indemnify him against any Charge that may accrue to him by means of any such Suit And in Case of Recovery that then the Sheriff make distribution of what shall be recovered to the Person or Persons giving him Such Security as aforesaid

[Prisoners, if single, to be sold for Five Years]

And be it Enacted by the Authority aforesaid that if any of the Persons intended to be relieved by this Act are and shall be of Sufficient ability of Body to Labour, such Person or Persons not having a wife or Family shall be and are hereby obliged to Serve for a time not exceeding five years to any Person or Persons who are or shall be inclined to purchase the Time or Servitude of Such Debtor or Debtors and that the respective Sheriffs in whose Custody the aforesaid Debtors or any of them are be and are hereby authorized and obliged to Summon two Justices of the Peace in the respective Counties at the request of the said Persons as Soon as conveniently may be after the receipt of this Act and after giving five Days notice at the Court-Houses of the respective Counties of the intended Sale of such Debtor or Debtors expose to Sale in the presence of the said Justices such Debtor or Debtors and the time of his or their Servitude to the highest Bidder and the Money arising from such Sale shall be as Effects of Such Debtor or Debtors in the Hands of the respective Sheriffs Subject as aforesaid to a Distribution in manner aforesaid and the Sale and Service of Such Debtor or Debtors as aforesaid is hereby directed to be taken as a full and Sufficient acquittal and discharge against all Debts due from Such Debtor or Debtors before such Sale Provided that in Case it shall appear to the satisfaction of the said Justices that any of the said Debtors have offered since their confinement to make Satisfaction to their Creditors by Servitude and that their Creditors have refused to accept the same that the time such Debtors have been confined in Prison shall be deemed and taken as part of the aforesaid five years and that they Shall be obliged to Serve only for such time as will compleat five years from the day of their Commitment to Prison and that in case any such single Persons as aforesaid have been confined in Prison for five years or any longer time that the said Persons so confined shall be discharged upon the same terms in the Same Manner that Persons having Families are by this Act directed to be discharged.

Dec.^{r} 4.th 1765.
Read and Assented to By the Lower House of Assembled
Signed ꝑ order
MMacnemara Cl: Lo. Ho.

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this Be Law
Hor:^{o} Sharpe

5:th Dec.^{r} 1765.
Read and Assented to By the Upper House of Assembly
Signed by Order
UScott. Cl: Up: Ho:

the great Seal
in Wax Appendant

No. 12 A Supplementary Act to the Act intituled an Act for Limitation of certain Action for avoiding Suits at Law.

Liber H. S. No. 1 p. 550

Whereas the Act intituled an Act for Limitation of Certain Actions for avoiding Suits at Law, hath provided that in case any Person or Persons whatsoever shall absent themselves out of this Province after any Debt contracted He she or they so absenting themselves shall have no Benefit by the Limitation or Restriction in the said Act Specified but hath made no provision in the Case wherein the Person or Persons liable to the Same hath or have been is are or may be absent out of the Province at the time when any Cause of Action may have arisen or accrued or Shall or may arise or accrue against him her or them tho the said Case falling under the same Reason ought to have the same Remedy

[Preamble, reciting Part of 1715, ch. 23]

Be it therefore Enacted By the Right Honourable the Lord Proprietary By and with the advice and consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same, That if any Person or Persons liable or that hath or have been or shall or may be liable to any Action or that hath or have been or shall or may be absent out of this Province at the Time when the Cause of Action hath Arisen or accrued or shall or may arise or accrue against him her or them He she or They, shall have or receive no Benefit or Advantage of or from the said recited Act,

[Persons, absent, &c, to receive no advantage]

Provided that the Person or Persons that Hath have or Hath or have had or that shall or may have Such Cause of Action as aforesaid shall commence or Prosecute the same after the presence in this Province of the Person or Persons liable thereto within the Time or Times limited in and by the said recited Act.

[Proviso]

5.th Dec.^{r} 1765.
Read and Assented to
By the Lower House of
Assembly
Signed ꝑ Order
MMacnemara Cl: Lo. Ho

On Behalf of the Right
Honourable the Lord
Proprietary of this Province
I Will this be a Law
Hor:^{o} Sharpe

23^{d} Nov.^{r} 1765,
Read and Assented to
By the Upper House of
Assembly
Signed by Order
UScott Cl: Up: Ho:

The great Seal
in Wax Appendant

No. 13 Ex.^{d} An Act to vest the Title of and in Certain Lands in John Hammond Esquire and for other purposes therein mentioned.

[Private Act]

Whereas Ann Ogle of Annapolis Widow of Samuel Ogle Esquire Deceased. Benjamin Tasker Esquire and John Hammond Esquire have by their petition to this present General Assembly Set forth "that the said Samuel Ogle died Seized in fee of and in two Several Tracts of Land in Ann Arundel County called or known by the Names of Hickory Ridge and Green Land; the former containing two hundred and Sixty two Acres more or less, the latter one hundred Acres more or less: That Benjamin Ogle Son and Heir

Liber H. S. No. 1 at Law of the said Samuel Ogle, to whom the said tracts of Land have descended being a Minor and incapable to Sell and convey the p. 551 said Lands. The Annual Charge of Quit Rents without any Proffit from the said Lands to answer the same is a Burden upon the other Estate of the said Minor. And that the said Ann Ogle Mother and the said Benjamin Tasker Grandfather and Guardian of the said Minor, and also Executor of the aforesaid Samuel Ogle deceased, conceive that it would be for the Advantage of the said Minor to have the said Lands Sold and the Money arising from such Sale put out to Interest for his Use: That the said John Hammond hath agreed to and with the said Benjamin Tasker, to whom the Care of the said Minor during his Minority hath been committed to give and pay for the said two Tracts of Land the sum of one hundred and fifty pounds Sterling in Case the Right and Title of the said Benjamin Ogle in and to the said Lands, clear of, and discharged from all Dower and claim of Dower of the aforesaid Ann Ogle, may be Vested in the said John Hammond:" And Whereas it appears to this general Assembly, on consideration of the Matters in the said Petition contained and of the Report of the Committe appointed to examine into the Tracts alledged therein; That it would correspond with the general Scope and Intention of the last Will and codicil thereto of the said Samuel Ogle Esquire deceased, and be conducive to the Benefit and Advantage of the aforesaid Benjamin Ogle, Son and Heir at Law and Devisee of the said Samuel Ogle: That the Prayer of the said Petition be Granted.

Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the Same, That upon the payment of the sum of one hundred and fifty Pounds Sterling Money by the aforesaid John Hammond to the aforesaid Benjamin Tasker according to the Terms of the Agreement between them in that Behalf made and in the said Petition mentioned, The Right, Title, Interest and Estate of the said Benjamin Ogle in and to the Lands aforesaid, and each of them and every part and parcel thereof with their and every of their appurtenances, shall in Virtue of this Act be effectually transferred to and vested in the said John Hammond his Heirs and Assigns, clear of and exempted and discharged from all Dower Right, Title claim and demand of Dower of the said Ann Ogle, in, of or to the same, and any and every part or parcel thereof, according to the prayer of the said Petition. And

Be it enacted by the Authority Advice and consent aforesaid, That as Soon as conveniently may be after the Receipt of the said sum of Money the same to be put out to Interest by the said Benjamin Tasker, for the Use and Benefit of the said Benjamin Ogle, untill he shall arrive at or attain his full age: And that the said

Liber H. S. No. 1

Principal and Interest which shall or may arise or accrue thereon, shall be accounted for, and paid and Satisfied by the said Benjamin Tasker his Executors or Administrators to the said Benjamin Ogle, when the said Benjamin Ogle shall arrive at or attain his Age aforesaid: or in Case the said Benjamin Ogle should die in his Minority, to the Heir at Law of the said Benjamin Ogle.

p. 552

And Be it Enacted by the Authority advice and Consent aforesaid That upon payment of the said Sum of one hundred and fifty Pounds Sterling Money by the said John Hammond to the said Benjamin Tasker, the said Benjamin Tasker shall make and execute a Receipt in Writing under his hand therefore Attested by two or more Witnesses, and the same Shall acknowledge to be his receipt before some one Provincial Majistrate which Receipt and the acknowledgment thereof, the said John Hammond may procure to be entered of Record, among the Land Records of the Provincial or Ann Arundel County Court And the said Receipt and Acknowledgment aforesaid or the exemplification of the Record thereof under the Seal of the said Court where the same shall be enrolled shall be forever hereafter Sufficient Evidence to prove the Payment of the said Sum of Money by the said John Hammond to the said Benjamin Tasker

7th Dec.r 1765.
Read and Assented to
By the Lower House of
Assembly
Signed ꝑ order
MMacnemara Cl: Lo. Ho.

On Behalf of the Right
Honourable the Lord
Proprietary of this Province
I Will this be a Law
Hor:o Sharpe

7.th Dec.r 1765
Read and Assented to
By the Upper House of
Assembly
Signed by Order
UScott Cl: Up: Ho.

the Great Seal
in Wax Appendant

No. 14 An Act to establish a Road from Hunting Creek in Dorchester to Dover in Talbot County
Ex.d

Ex.d

[Preamble]

Whereas Henry Troth of Talbot County by his humble Petition to this General Assembly Among other things hath Set forth That it would not only be to the Ease of the Inhabitants of the Counties of Dorchester and Talbot that a Publick Road should be established from Hunting Creek in Dorchester County to Dover in Talbot County and a Ferry kept across the River of Choptank at Dover but to the great convenience of the Publick by Shortening the distance to all Persons travelling up or down the Eastern Shore of this Province which said Petition is recommended by a great Number of the Principal Inhabitants of the Counties aforesaid and appears to this general Assembly to be true in its material Facts it is therefore prayed that it may be enacted

[A Road to be made 12 feet wide from Choptank to Dover]

And be it enacted by the Right Honrable the Lord Proprietary by and with the advice and consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that on the application of the said Henry Troth or any other

Liber H. S. No. 1 Person to the Justices of Dorchester County after a good and Sufficient Road and Causeway twelve feet wide at least at the Top shall be made and perfected through the Marsh of Choptank River in Dorchester County opposite to the main Road at Dover aforesaid p. 553 it shall and may be Lawfull for the said Justices and they are hereby required to Cause a Road to be laid out and Sufficiently Cleared and made from the Road that leads from Hunting Creek aforesaid to Kingstown in Talbot County to the end of the said Causeway where it shall join the fast Land and from thence with the said Causeway to the River aforesaid and after the same shall be well and Sufficiently Cleared and made the said Justices shall appoint an Overseer with a Sufficient Number of the Neighbouring Inhabitants under his Directions to keep the said Road and Causeway in good Repair as other roads ought to be kept without any Farther tax upon the County under the like penalties for neglect or Omission as other Overseers and people under them are by the Laws in force relating to Publick roads liable to.

[To be made convenient for the Public] Provided always and be it enacted That the said Road shall be laid out in Such manner and form as Shall be most to the Publick Convenience and least to the Prejudice of the Possessor or Possessors of the Lands on which the same shall be made

[2,500 ℔ of Tobacco to be levied to pay the expence] And be it further Enacted that it shall and may be lawfull for the Justices aforesaid and they are hereby required at their next November Court after Such application to assess and Levy on the Taxable Inhabitants of the said County of Dorchester a Sufficient Sum to defray the expenses of clearing and making the Road aforesaid to be paid and collected in the Same manner that the County Levies are paid and collected provided such Sum does not exceed the Quantity of two thousand five hundred Pounds of Tobacco.

7.th Dec..r 1765.
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemara Cl: Lo. Ho

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor:o Sharpe

the Great Seal in Wax Appendant

7th Dec.r 1765
Read and Assented to By the Upper House of Assembly
signed by order
UScott. Cl: Up: Ho.

No. 15 Ex.d An Act continuing an Act entituled, an Act for the Relief of Such persons as cannot find Surety for their appearance to testify as a Witness against any Person arrested, accused, or prosecuted for any Criminal matter.

[The Act of 1752, Ch. 13 Continued 7 Years, &c] Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the authority of the same, That an Act of Assembly of this Province, entituled, an Act for the Relief of Such Persons as cannot find Security for their Appear-

Liber H. S. No. 1

ance to testify as a Witness against any Person arrested, accused, or prosecuted, for any Criminal matter, made at a session of Assembly begun and held at the City of Annapolis, the third day of June Anno Domini one Thousand Seven hundred and fifty two, be and is hereby continued and shall be and remain in full force for and during the term of Seven years, and to the end of the next Session of Assembly which shall happen after the end of the said Seven years

12 Dec.^{r} 1765
Read and Assented to by the Lower House of Assembly
Signed ꝑ order
MMacnemara Cl: Lo. Ho

On behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor.^{o} Sharpe

12 Dec.^{r} 1765.
Read and Assented to By the Upper House of Assembly
Signed by order
UScott Cl: Up. Ho.

The Great Seal
in Wax Appendant

No. 16 An Act continuing an Act, entituled, an Act to enable the Several and respective County Clerks within this Province to remove some of the County Records and papers from the Publick Offices
Ex.^{d}

p. 554

[The Act of 1748, Ch. 7 Continued 7 Years, &c]

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the Same That and Act of Assembly of this Province entituled, an Act to enable the Several and respective County Clerks within this Province to remove some of the County Records and Papers from the Public offices, made at A session of Assembly begun and Held at the City of Annapolis the tenth day of May, one Thousand Seven hundred and forty Eight be, and is hereby continued, and shall remain, and be in full force, for and during the Term of Seven years next ensuing, and to the end of the next session of Assembly which shall happen after the end of the said Seven years

12 Dec.^{r} 1765
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemara Cl: Lo. Ho.

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor:^{o} Sharpe

12.th Dec.^{r} 1765.
Read and Assented to By the Upper House of Assembly
Signed ꝑ order
UScott Cl: Up: Ho:

The great Seal
in Wax Appendant

No. 17 An Act continuing an Act entituled, an Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from Certain Offenders; and a Supplementary Act to an Act entituled an Act to prevent the Tumultuous meeting and other Irregularities of Negroes and other Slaves and directing the manner of trying Slaves
Ex.^{d}

[The Act of 1751, Ch. 14 continued 7 years, &c]

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the

Liber H. S. No. 1 Upper and Lower Houses of Assembly and the Authority of the Same, that an Act of Assembly of this Province, entituled, an Act for the more effectual Punishment of Negroes, and other Slaves; and for taking away the Benefit of Clergy from Certain Offenders and a Supplementary Act to an Act entituled, an Act to prevent the Tumultuous meeting, and other Irregularities of Negroes and other Slaves and directing the manner of trying Slaves made at a session of Assembly begun and held at the City of Annapolis the fifteenth day of May one Thousand Seven hundred and fifty One be and is hereby continued and shall remain and be in full force for and during the Term of Seven years next ensuing and to the end of the Next Session of Assembly which Shall happen after the end of the said Seven years p. 555

12..th Dec.r 1765.
Read and Assented to By the Lower House of Assembly
Signed ꝑ Order
MMacnemara Cl: Lo. Ho.

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor:o Sharpe

the Great Seal in Wax Appendant

12:th Dec.r 1765
Read and Assented to By the Upper House of Assembly
Signed by Order
UScott Cl: Up: Ho:

No. 18 Ex.d An Act continuing an Act, entituled, a Supplementary Act, to an Act entituled, an Act laying an imposition on Negroes and Several Sorts of Liquors imported; and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province

[The Act of 1735, Ch. 6 continued 7 years, &c]

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same, That an Act of Assembly of this Province, entituled a Supplementary Act, to an Act entituled, an Act laying an Imposition on Negroes, and Several Sorts of Liquors imported; and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province made at a Session of Assembly begun and held at the City of Annapolis the twentieth day of March Anno Domini One Thousand Seven Hundred and thirty four be and is hereby continued and Shall remain and be in full force for and during the Term of Seven years next ensuing and to the end of the next session of Assembly which shall happen after the end of the said Seven years

12:th Dec..r 1765
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemara Cl: Lo: Ho:

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor:o Sharpe

The Great Seal in Wax Appendant

12 Dec.r 1765.
Read and Assented to By the Upper House of Assembly
Signed by order
UScott. Cl: Up: Ho

No. 19 Ex.d An Act continuing an Act entituled an Act to make the Testimony of Convicted Persons legal against Convicted Persons.

Liber H. S. No. 1

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same That an Act of Assembly of this Province entituled an Act to make the Testimony of Convicted Persons legal against Convicted Persons made at a session of Assembly begun and held at the City of Annapolis the fifteenth day of May one Thousand seven hundred and fifty One be and is hereby continued and shall remain and be in full Force for and during the Term of Seven years next ensuing and to the end of the next session of Assembly which happen after the end of the said Seven years

[The Act of 1751, Ch. 11, continued 7 years &c.]

12:th Dec.r 1765
Read and assented to By the Lower House of Assembly
Signed ꝑ Order
MMacnemara Cl: Lo Ho

On Behalf of the Right the Lord Proprietary of this Province I Will this be a Law
Hor:o Sharpe

The Great Seal in Wax Appendant

12.th Dec.r 1765.
Read and Assented to By the Upper House of Assembly
Signed by order
UScott. Cl: Up. Ho:

p. 556

No. 20 Ex.d An Act continuing an Act, entituled, an Act for the more effectual Punishment of Certain Offenders, and for taking from them the Benefit of Clergy.

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordship's governor and the Upper and Lower Houses of Assembly and the Authority of the same, That an Act of Assembly of this Province entituled, an Act for the more effectual Punishment of Certain offenders and for taking from them the Benefit of Clergy made at a session of Assembly begun and held at the City of Annapolis the twenty Sixth day of April Seventeen Hundred and thirty seven, be, and is hereby continued, and shall remain and be in full force, for and during the Term of Seven years next ensuing and to the end of the next session of Assembly which shall happen after the end of the said Seven years.

[The Act of 1737, Ch. 2, continued 7 years &c]

12..th Dec.r 1765
Read and assented to By the Lower House of Assembly
Signed ꝑ Order
MMacnemara Cl: Lo. Ho.

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor:o Sharpe

the Great Seal in Wax Appendant

12..th Dec.r 1765.
Read and Assented to By the Upper House of Assembly
Signed by Order
UScott Cl: Up: Ho.

Liber H. S. No. 1
No. 21
Ex.^{d}

An Act continuing an Act, entituled an Additional and explanatory Act to the Act entituled an Act impowering the commissioners of the County Courts to levy and raise Tobacco to defray the Necessary Charges of their Counties and Parishes.

[The Act of 1748, Ch. 20, continued for 7 years, &c]

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same, That an Act of Assembly of this Province entituled, and Additional and explanatory Act to the Act entituled, an Act impowing the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes made at a session of Assembly begun and held at the City p. 557 of Annapolis the tenth day of May one Thousand seven hundred and forty eight, be, and is hereby continued and Shall remain and be in full force, for and during the Term of Seven years next, ensuing and to the End of the next Session of Assembly which shall happen after the End of the said seven years

12 Dec.^{r} 1765
Read and assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemaraClk Lo. Ho.

On behalf of the Right Honble the Lord Propry of this Province I will this be Law
Hor.^{o} Sharpe

The Great Seal
in Wax App.^{t}

12 Dec.^{r} 1765
Read and assented to By the Upper House of Assembly
Signed ꝑ Order
UpScott Clk Up. Ho

No. 22
Ex.^{d}

An Act Continuing an Act entituled an Act relating to Guardians and Orphans

[The Act of 1758, Ch. 4 continued for 7 years &c]

Be it enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the Same That an Act of Assembly of this Province entituled, an Act relating to Guardians and Orphans made at a session of assembly begun and held at the City of Annapolis the twenty eighth day of March one Thousand Seven hundred and fifty Eight be and is hereby continued and shall remain and be in full force for and during the Term of Seven years next ensuing and to the end of the next session of Assembly which shall happen after the end of the said Seven years

12.th Dec.^{r} 1765
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemara Ck: Lo Ho.

On behalf of the Right Honble the Lord Propry of this Province I Will this be a Law
Ho.^{ro} Sharpe

The Great Seal
in Wax Appendant

12.th Dec.^{r} 1765.
Read and Assented to By the Upper House f Assembly
Signed ꝑ order
UScott, Clk. Up. Ho

No. 23 An Act continuing an Act entituled an Act to prevent certain evils and Inconveniences attending the Sale of Strong Liquors and running Horse Races near the yearly Meetings of the people Called Quakers and to prevent the Tumultuous concourse of Negroes and other Slaves during the said Meetings; and also one other Act, entituled an Act to amend and explain an Act entituled an Act to prevent certain evils and Inconveniences attending the Sale of Strong Liquors and running Horse Races near the yearly Meetings of the People called Quakers; and to prevent the Tumultuous Concourse of Negroes and other Slaves during the said Meetings.

Ex.d

Liber H. S. No. 1

Be it enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same That one Act of Assembly of this Province entituled an Act to prevent certain evils and Inconveniences attending the Sale of Strong Liquors and running of Horse Races near the yearly Meetings of the People called Quakers and to prevent the Tumultuous concourse of Negroes and other Slaves during the said Meetings made at a session of Assembly begun and held at the City of Annapolis the Sixteenth day of May one Thousand Seven hundred and forty Seven; and also one other Act of Assembly of this Province entituled an Act to amend and explain an Act, entituled an Act to prevent certain evils and Inconveniences attending the Sale of Strong Liquors and running of Horse Races near the yearly Meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings made at a session of Assembly begun and Held at the City of Annapolis the third day of June one Thousand Seven hundred and fifty two be and are hereby continued and shall remain and be in full force for and during the Term of Seven years next ensuing and to the end of the next Session of Assembly which shall happen after the end of the Said Seven years.

p. 558
[The Acts of 1747, Ch. 17, and 1752, Ch. 14, continued 7 years &c]

12.th Dec.r 1765.
Read and Assented to
By the Lower House of Assembly
Signed ꝑ order
MMacnemara Clk:Lo.Ho.

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor:o Sharpe

12.th Dec.r 1765.
Read and Assented to
By the Upper House of Assembly
Signed by order
UScott Clk: Up: Ho:

The Great Seal
in Wax Appendant

No. 24 An Act continuing an Act, entituled an Act to exempt Persons appearing at Musters from arrests in civil Cases

Ex.d

Be it enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the authority of

[The Act of 1748, Ch. 1, Continued 7 years &c.]

Liber H. S. No. 1

the Same, That an Act of Assembly of this Province entituled an Act to exempt Persons appearing at Musters from arrests in civil Cases, made at a session of Assembly begun and held at the City of Annapolis the tenth day of May anno Domini Seventeen hundred and forty eight, be, and is hereby continued and shall remain and be in full force for and during the Term of Seven years next ensuing and to the end of the next Session of Assembly which shall happen after the end of the said seven years.

12.th Dec.r 1765. By the Lower House of Assembly Read and assented to Signed ꝑ order MMacnemara Cl: Lo. Ho.	On Behalf of the Right Honble the Lord Propry of this Province I Will this be a Law Hor:o Sharpe the Great Seal in Wax Appendant	12.th Decr 1765 Read and Assented to By the Upper House of Assembly Signed ꝑ order UScott Cl: Up: Ho:

No. 25 p. 559 Ex.d

An Act continuing an Act entituled, an Act for Punishment of Horse Stealers, and other Offenders

[The Act of 1744, Ch. 20, continued 7 years, &c]

Be it enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same, That an Act of Assembly of this Province entituled an Act for Punishment of Horse Stealers and other Offenders, made at a session of Assembly begun and Held at the City of Annapolis the first day of May Anno Domini one Thousand Seven hundred and forty four be and is hereby continued and shall remain and be in full force, for and during the Term of Seven years next ensuing, and to the end of the next Session of Assembly which shall happen after the end of the said seven years.

12..th Dec.r 1765. Read and Assented to By the Lower House of Assembly Signed ꝑ Order MMacnemara Cl: Lo Ho,	On Behalfe of the Right Honourable the Lord Propry of this Province I Will this be a Law Ho.ro Sharpe The Great Seal in Wax Appendant	12th Dec.r 1765. Read and assented to By the Upper House of Assembly Signed ꝑ order UScott: Clk. Up: Ho.

No. 26 Ex.d

An Act continuing an Act entituled an Act for destroying Wolves in Frederick County

[The Act of 1751. Ch. 3, Continued 7 years, &c]

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same That an Act of Assembly of this Province entituled an Act for destroying Wolves in Frederick County made at a Session of Assembly begun and held at the City of Annapolis the fifteenth Day of May Seventeen hundred and fifty one be and is hereby con-

Liber H. S. No. 1

tinued and shall remain and be in full force for and during the term of Seven years next ensuing and unto the end of the next session of Assembly which shall happen after the end of the said seven years

12.th Dec.r 1765.
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemaraClk :Lo.Ho :

On Behalf of the Right Honble the Lord Proprietary of this Province I Will this be a Law
Hor :o Sharpe

12.th Dec.r 1765
Read and Assented to By the Upper House of Assembly
Signed by order
UScott. Clk : Up : Ho :

The Great Seal
in Wax Appendant

No. 27 An Act continuing an Act entituled an Act for repairing the Publick Roads in this Province and the Supplementary Act thereto
Ex.d

[The Acts of 1753, Ch. 16, and 1756, Ch. 12, continued 3 years &c]

Be it enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the authority of the same That an Act of Assembly of this Province entituled an Act for repairing the Publick Roads in this Province made at a Session of Assembly begun and held at the City of Annapolis the Second day of October Seventeen hundred and fifty three also the Supplementary Act thereto made at a Session of Assembly begun and held at the City of Annapolis the twenty third day of February one thousand Seven hundred and fifty Six be and are hereby continued and Shall remain and be in full force for and during the Term of three years and to the end of the next Session of Assembly which shall happen after the end of the said three Years

p. 560

12..th Dec.r 1765.
Read and Assented By the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk Lo Ho :

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor.o Sharpe

12.th Dec.r 1765
Read and Assented to By the Upper House of Assembly
Signed ꝑ Order
UScott Clk Up : Ho.

The Great Seal
in Wax App.t

No. 28 An Act continuing an Act entituled an Additional Supplementary Act to the Act entituled an Act relating to Servants and Slaves
Ex.d

[The Act of 1748, Ch. 19 continued 7 years, &c]

Be it enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the Same, That an Act of Assembly of this Province entituled an Additional Supplementary Act to the Act entituled an Act relating to Servants and Slaves made at a Session of Assembly begun and Held at the City of Annapolis the tenth day of May one Thousand Seven hundred and forty Eight be and is hereby continued and shall remain and be in full Force for and during the Term of Seven years next

Liber H. S. No. 1 ensuing and to the end of the next Session of Assembly which shall happen after the end of the said Seven years.

12.th Dec.r 1765
Read and Assented to By the Lower House of Assembly
Signed by order
MMacnemara Ck Lo. Ho:

On Behalf of the Right Honble the Lord Propry of this Province I Will this be a Law
Hor:o Sharpe

12.th Dec.r 1765
Read and Assented to By the Upper House of Assembly
Signed by order
UScott, Clk Up: Ho:

the Great Seal
in Wax app.t

No. 29 p. 561 A Supplementary Act to the Act entituled an Act for amending the Staple of Tobacco for preventing Fraunds in his Majesty's Customs and for the Limitation of Officers Fees

[Preamble] It being represented by the Petition of Sundry Inhabitants of Talbot County to this General Assembly that it appears difficult to get two Inspectors to Serve this present year at Bruffs Ware house on Saint Michaels River in the County aforesaid, and being prayed that an Act may pass to enable the present Inspector to do all the duties required by Law and that such Addition be made to his Salary as to this Present General Assembly shall seem meet

[Duty of the Inspector at Bruff's] Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the Same, That the Present Inspector at the said Ware House shall be under the same duties, Obligations Restrictions and Penalties and enjoy the Same Privileges that other Inspectors do and are under by the above recited Act And that all Tobacco carried to the Same Warehouse and the Notes for the Same shall be good and Negotiable and upon the Same Terms and under the Securities that all Tobacco and Notes are mentioned to be by the said recited Act, and that the same Warehouse and the owner or owners of the Same shall be under the like Incumbrances and receive the like Benefits and Advantages that other such Warehouses and Owners are under and do receive by the said Recited Act.

[His Salary] Be it further Enacted that there shall be allowed the said Inspector in the Same manner that the Salaries are allowed to other Inspectors by the said recited Act the Quantity of Seven thousand Pounds of Tobacco as his Salary and no more, And in Case of the Death refusal or Removal of the said Inspector the Governor or Commander in Chief for the time being shall and may Nominate and Appoint any other Person mentioned in the last recommendation of the Vestry and Church Wardens and in like manner as often as any such Vacancy shall happen

[In Case an Inspector should be sick] And be it enacted that in Case of the Sickness or other inability of the said Inspector to attend his duty it shall any may be Lawfull for him and he is hereby required to Nominate and Appoint one other Person being a Planter and well skilled in Tobacco to Act in his room during the time the said Inspector shall be unable to attend; the said Person so appointed first taking the Oath of Office and other Oaths or Affirmation if a Quaker as are directed by the above recited Act to be taken by Inspectors, and Subscribing the Oath of Abjuration and repeating and Subscribing the Test and the said Inspector and his Sureties shall be answerable for the Tobacco inspected and passed by the Person so by him appointed in the same manner as if he had Personally Officiated

Liber H. S. No. 1

[Some Salaries Augmented]

And whereas it has been likewise represented to this General Assembly that the Salaries allowed by the above recited Act to the Inspectors at Pomunkey and Chickamuxon Warehouses in Charles County are too small and inadequate to their Care and Trouble in their office of Inspectors, Be it enacted by the Authority advice and Consent aforesaid That for this Present Year and every future year during the Continuance of the said recited Act there shall be allowed and paid to each of the Inspectors at the Warehouses aforesaid the sum of eight hundred Pounds of Tobacco over and above the Salaries allowed to them by the Act aforesaid which said sum of eight hundred Pounds of Tobacco to each of the Inspectors at Pomunkey and Chickamuxon Warehouses aforesaid shall be allowed and paid in the same manner as Inspectors Salaries are allowed and paid by the said Act,

p. 562

[Bohemia Inspection suppress'd]

And whereas it is represented to this present General Assembly that the Warehouse at John Hollands at Bohemia Ferry in Cecil County is much out of Repair and that So small a Quantity of Tobacco is there Inspected that the said House has burthened the County with a large annual expence Be it therefore enacted by and with the authority advice and Consent aforesaid that the said Warehouse at John Hollands at Bohemia Ferry in Cecil County aforesaid shall be and is hereby Suppressed to all Intents and Purposes And that the Inspector appointed to attend the said Ware House is hereby discharged from his attendance thereon to every purpose but to deliver out such Tobacco as may be now in the said Warehouse

[Some salaries lessen'd]

And it is further represented to this General Assembly that the Salaries allowed by the above recited Act, to the Inspectors at Snow Hill and Newport Warehouses in Worcester County are too large for the Quantity of Tobacco that comes to the said Warehouses, Be it Enacted by the Authority advice and Consent aforesaid that there shall be allowed and paid to the Inspector at Snow Hill Warehouse the sum of five Thousand Six hundred Pounds of Tobacco, and to the Inspector at Newport Warehouse the sum of three Thousand two hundred Pounds of Tobacco in full for their and each of their respective Salaries as Inspectors at Said Warehouses the ensuing year which sums of Tobacco shall be allowed and paid as other Inspectors

Liber H. S. No. 1

Salaries are in the aforesaid Act, any thing therein contained to the Contrary Notwithstanding

[If Inspectors refuse to serve, others to be chosen]

And be it further enacted that in Case the Inspector already nominated and recommended by the Vestry's shall refuse to Serve as Inspector at either of the abovementioned Warehouses it shall and may be Lawful for the Person or Persons so refusing to Signifie the same under his hand to the Vestry of the said Parish where the refusal shall be or any two of the Vestrymen within Ten days after the end of this Session of Assembly, who Shall within Ten days after such Notice given them proceed to Chuse other Inspectors to Serve at Both or either of the Said Warehouses as the Case p. 563 may be in manner and form as is directed by the aforesaid recited Act in the place and Stead of Such Person or Persons so refusing as aforesaid

12:th Dec.^{r} 1765
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemara Clk Lo:Ho:

On Behalf of the Right Honourable the Lord Proprietary of this Province I Will this be a Law
Hor:^{o} Sharpe

12..th Dec.^{r} 1765
Read and Assented to By the Upper House of Assembly
Signed ꝑ Order
UScott Clk Up: Ho:

The Great Seal in Wax App.^{t}

No. 30 Ex.^{d}

An Act to enable the Visitors of Kent County School for the time being to lease out Part of the Land belonging to the said School

[Preamble]

Whereas the Visitors of the said School by their Petition to this present Assembly have set forth that by an Act of Assembly passed in the Year seventeen hundred and forty one the Visitors of the said School for the time being were impowered to lease out one Moiety of the Land belonging to the said School except ten Acres on Such Terms as in the said Act was expressed and that the other Moiety of the said Land is now become a Common and useless to the said School and pray that they may be to Lease out the other Moiety of the said School Land or Such part thereof as to them should be thought convenient (with proper outlets) and so from time to time as any of the Leases of the said School Land shall happen to expire to Lease them out anew

[Visitors of Kent County School impowered to Lease out School Lands]

Be it enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the Visitors of Kent County School for the time being or the major part of them be and are hereby authorized and impowered to divide and lay out any or Such part of the Land belonging to the said School as to them shall be thought convenient into Lotts not exceeding the Quantity of three Acres in any one Lot and the Same so divided to Number and distinguish by the Numbers next following those already laid out under the above recited Act (with proper outlets) and to demise and Lease out the Same to the highest

Liber H. S. No. 1

Bidder or Bidders ten days publick Notice being first given for any Term of years not exceeding twenty one Years under such Payments of Rents and on Such Terms as the same Visitors or the major part of them shall think proper and reasonable

[Such leases may be renewed]

And be it further enacted that the Visitors of the said School for the time being or Major part of them shall be and are hereby impowered if they shall think it for the future advantage of the said school from time to time as the leases of any of the Lands of the said School Shall expire to lease out the said School Lands again on the Terms aforesaid or renew the said Leases so expiring as to them Shall Seem best for the advantage of the said School And that all Such Leases as the said Visitors for the time being or the major part of them shall make of the Land aforesaid according to the directions of this Act shall be good and Valid to the Person or Persons taking the same for the terms therein mentioned and shall be binding as well on the Master of the said School at the time of making Such Lease or Leases as on any Succeeding Master or Masters who shall be admitted to or put in possession of the Same School at any time after making the same Lease or Leases any Law Statute other Act of Assembly Usage or Custom to the Contrary Notwithstanding

p. 564

[Profits, how to be applied]

And be it further enacted by the Authority aforesaid that the Moneys arising on the Leases aforesaid for the Rents of the Lands aforesaid shall be applyed by the Visitors of the Same School or the Major part of them as to them Shall seem meet for the Benefit of the said School

12.th Dec.^{r} 1765.
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemara Clk Lo Ho:

On Behalf of the Right Honourable the Lord Propry of this Province I Will this be a Law
Hor:^{o} Sharpe

the Great Seal
in Wax App.^{t}

12th Dec.^{r} 1765
Read and Assented to By the Upper House of Assembly
Signed ꝑ Order
UScott Cl: Up: Ho:

No. 31
Ex.^{a}

A Supplementary Act to the Act entituled an Act for Building a Church in Saint James's Parish in Ann Arundel County.

[Preamble]

Whereas the Rector, Vestrymen, Church Wardens and Inhabitants of Saint James's Parish in Ann Arundel County have by their Petition to this general Assembly represented that the Quantity of Tobacco levied by Virtue of the Act of Assembly entituled an Act for Building a Church in Saint James's Parish in Ann Arundel County hath been applied towards but is not Sufficient to pay the Expences of Building and finishing the New Church directed by the said Act to be built that there is now the Sum of one hundred and thirty seven Pounds seventeen shillings and ten pence the produce of Tobacco levied on, collected from, and paid by the Taxable Inhabitants of the said Parish before the passing the said Act

p. 565

Liber H. S. No. 1

for repairing the old Church of the said Parish which was not appropriated by the said Act towards building the said new Church and that over and above the said one hundred and thirty seven Pounds seventeen Shillings and ten pence the Quantity of eighty thousand Pounds of Tobacco will be necessary for the Compleatly finishing the said new Church and inclosing the church yard thereto. They have therefore prayed that an Act may pass to appropriate the said Sum of Money and also to impower the Justices of the said County Court to levy on the taxable Inhabitants of the said Parish the Quantity of eighty Thousand Pounds of Tobacco for the compleatly finishing the said new Church and inclosing the Church Yard thereto

[80,000 ℔ of Tobacco to be levied for compleating St. James's Church]

Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same that the Justices of Anne Arundel County Court shall and they are hereby impowered and required at the time of their laying the County Levy of the said County in November Court one Thousand Seven hundred and Sixty five to assess on the Taxable Inhabitants of the said Parish the Quantity of eighty Thousand Pounds of Tobacco together with a Salary to the Sheriff of the said County for collecting the same of five per Centum and the said Sheriff is hereby impowered and directed to levy and collect the same in the Same manner as Publick and County levies are levied and collected and shall also account for and pay the same to the Rector Vestrymen and Church Wardens of the said Parish for the Time being or the Major part of them which said Tobacco when so collected accounted for and paid and also the said Sum of one hundred and Thirty Seven Pounds seventeen shillings and ten pence shall by the said Rector Vestrymen and Church Wardens or the Major part of them applied to the compleatly finishing the said new Church and inclosing the said Church yard thereto and if any ballance thereof should remain such ballance shall be by the said Rector Vestrymen and Church Wardens or the major part of them applied in and towards the necessary repairs of the said Parish buildings

[May be paid as Public Dues]

Provided always and be it enacted that every Taxable Inhabitant of the said Parish may pay and discharge the said Assessment in Money at the rate and in the manner that publick and County levies are payable any thing herein contained to the contrary Notwithstanding

12 Dec.r 1765.
Read and Assented to by the Lower House of Assembly
Signed ℘ order
MMacnemara Cl: Lo Ho:

On Behalf of the Right Honble the Lord Propry of this Province I Will this be a Law
Hor:o Sharpe

the Great Seal in Wax appt

12:th Dec.r 1765.
Read and Assented to By the Upper House of Assembly
Signed ℘ order
UScott Clk: Up: Ho:

No. 32 Ex.^{d}

An Act for erecting a new Parish in Kent County called Chester Parish and for Building a Parish Church and enlarging a Chapple of Ease within the said New Parish

Liber H. S. No. 1 p. 566

[Preamble] Whereas many Inhabitants both of Saint Pauls and Shrewsbury Parishes in Kent County have by their Petitions Represented to this General Assembly that a great number of People in the said Parishes and about the Middle of the County, live too remote from either of the Parish Churches of the said Parishes to attend divine Worship, and have prayed that an Act may pass to erect a new Parish in the Middle of the said County to take in part of both the said Parishes, and have also Represented that there are two places proper in the said new intended Parish for erecting a Parish Church and Chapple of Ease in the said Parish for the convenience of the Inhabitants the one to be at or near the Cross Roads called and known by the Name of I. U. the other in Chester Town.

[A new parish to be erected in Kent County]

Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same, That from and after the end of this present Session of Assembly, all those parts of saint Pauls Parish and Shrewsbury Parish in Kent County aforesaid that are contained within the bounds herein after mentioned and expressed, that is to say beginning in Saint Pauls Parish at the mouth of a Pond by the Bayside between Marmaduke Tilden's and William Frisby's and running up the Pond Side to the Head thereof where it intersects the Line between said Marmaduke Tilden's Land and George Coppers Land thence with that line to the road leading from said Tilden's to Cooter Griffins thence with that road to intersect the main road leading from the Head of Worton by Chester Town and with that main road to a Valley in James M^{c}Clean's Plantation leading into the Head of the branch called Fannings Branch thence down that Valley and Branch to a Small Branch issuing out of the said Fannings Branch called bloody bridge Branch thence up the said Bloody Bridge Branch to the head thereof and then with a Streight Line to the Head of Muddy Creek and down the said Creek to Chester p. 567 River and in Shrewsbury Parish Beginning at the Mouth of Turners Creek on Sassafrass River, and running up the said Creek to James Loutitts Point, and thence with the road leading by John Shawhans into the main County road to Chester Town thence with the said Main County Road to Thomas Perkins's and thence by the cross road to Isaac Perkins's Mill and then by a due South East Line from the said Mill to Chester River shall be taken from Saint Pauls Parish and Shrewsbury Parish aforesaid and erected into a new Parish by the name of Chester Parish and shall from and after the time aforesaid be deemed reputed adjudged and taken for Chester Parish and not as part or parcel of Saint Pauls and Shrewsbury Parishes aforesaid: And that the Lines and Boundaries afore-

[To be called Chester Parish]

Liber H. S. No. 1

mentioned shall Always be deemed taken and reputed to be the undoubted Lines and bounds to divide the Parishes aforesaid and that the Inhabitants of Chester Parish aforesaid shall have and enjoy all Such Benefits, Priviledges Powers and Authorities in every respect as the Inhabitants of any other Parish within this Province now have or hereafter may have or enjoy as Parishioners

[Vestrymen &c. to be Chose]

And be it enacted by the Authority aforesaid that the Freeholders of the said new erected Parish shall have full and ample Power to meet at the aforesaid Cross Roads called I. U. on the first Tuesday in January next ensuing, and then and there to elect and make choice of Six Vestrymen and two Church Wardens to Serve as a Vestry of the said Parish for the ensuing year and untill the Easter Monday then next following and the same afterwards to alter and renew at Such Times and in Such Manner as the Laws of this Province do direct for other Parishes, and that the said Vestrymen and Church Wardens shall be vested with the same Powers Priviledges and Authorities as Vestrymen and Church Wardens of other Parishes within this Province are vested with and Whereas the reverend George William Forrester the present Incumbent of Shrewsbury Parish aforesaid has by Indorsement on the said Petition consented p. 568 for the advantage of his Parishioners, and that they may have a place of Worship more convenient for them, that a Portion of his Parish on the Western or Lower Side of Morgans Creek and Lloyds Creek and of a Line drawn from the Head of one of those Creeks to the Head of the other shou'd be immediately detached from his Parish for the Benefit of the Incumbent of the new intended Parish, Nevertheless this Act is not intended to take from the said George William Forrester during his Life or Residence in his said Parish any more of his said Parish than he has freely and Voluntarily consented to as aforesaid Be it therefore Enacted by the Authority aforesaid that it shall and may be Lawfull for the said George William Forrester to continue to officiate and Serve as Incumbent in Such part of the said new erected Parish within the antient Bounds of Shrewsbury Parish as lies without the Bounds of that part, that he as aforesaid, consented should be immediately detached therefrom and to receive the income and Proffits thereof During his Natural Life or so long as he shall continue Incumbent of Shrewsbury Parish aforesaid or untill he shall voluntarily quit the same any Law, Statute, Custom or Usage to the Contrary Notwithstanding.

[The present Incumbent to Continue to officiate in the new Parish]

And whereas the Inhabitants of the said new intended Parish have heretofore been taxed for building the Churches of the said old Parishes, it is thought reasonable that all the Inhabitants of both old and new Parishes should contribute to the Building the Church and enlarging the Chapple of the said new Parish. Be it therefore Enacted by the Authority aforesaid that it shall and may be Lawfull for the Justices of Kent County Court to Assess and Levy on all the Taxable Inhabitants of the Said County at November Court Seventeen hundred and Sixty Six, a Sum of Tobacco, as with ballance then remaining in the Hands of the Vestry of Saint Pauls Parish unappropriated which hath arisen on the late Vacancy of an Incumbent in that Parish will make one Hundred Thousand Pounds of Tobacco clear of five per Cent Commission for the Sheriffs collection, and at the Next November Court following the further Sum of Eighty Thousand Pounds of Tobacco clear of Commission as Aforesaid to and for the Use and Purpose of Building a Parish Church and enlarging the Chapple aforesaid. And it shall and may be Lawful for the said Vestry of Chester Parish so as aforesaid to be chosen and they are hereby directed and required to purchase two Acres of Land at or near the Cross Roads at the Place called I. U. as aforesaid in the Parish aforesaid for the Use of the Parish Church of the Parish aforesaid and to take a proper conveyance in Fee Simple thereof to and for the Use aforesaid and then to contract and agree with a proper Person or Persons for the erecting and Building finishing and compleating in every Respect (except the Pews or Seats) a good commodious Brick Church of such dimensions as they shall think Sufficient for the Parishioners, and not to cost more, including the Purchase of the two Acres of Land aforesaid, than the Sum of one hundred and Thirty Thousand Pounds of Tobacco, and that the said Vestry shall also employ and contract with a proper Person or Persons to erect and finish good and proper pews in the said Church on the Credit of the Sale of the said Pews which when finished, the said Vestry are hereby Authorized and Required to Sell and dispose of to the Freeholders of the said Parish for such reasonable Price as will in the whole be Sufficient to pay for the erecting the said Pews

Liber H. S. No. 1 p. 569

[Justices empowered to assess, &c. on the Taxable Inhabitants of the old and new Parishes]

[Vestry empowered to purchase Land to erect a Church, and to Contract for building it]

And Whereas the Inhabitants of Chester Town aforesaid and others of the County aforesaid have also Set forth in their Petition that Sundry Persons residing within the said Town and other Persons within the County aforesaid have heretofore at their own private expence purchased a Portion of Ground within the said Town Sufficient for the site of a Church and decent Burial ground and that they have at a considerable expence erected a commodious House thereon for the Publick Worship of Almighty God, which with some Addition to be made to the said House would make it a Sufficient Church for the new intended Parish and to which Persons in the Country might also resort, and which they were willing should be appropriated to the Public, saving to the private Proprietors their Pews in the said Church and Gallery, which they have designed and appropriated: And have prayed that the said Addition may be so made that if the Assembly should think proper to establish another place of Worship in the intended new Parish at the place called I. U. that the Incumbent for the time being shou'd be obliged alternately on Sundays to administer the Public Service in the said Town and

[The Church in Chester Town to be a Chapel of Ease]

p. 570

Liber H. S. No. 1

[Vestry to Contract for building an addition to said Church]

[Incumbent to perform Divine Service alternately at the Parish Church and Chapel] p. 571

the said other place; And this present General Assembly thinking the said Prayer reasonable so far as to make the said Place in Chester Town a Chapple of Ease in the said Parish, Be it therefore Enacted by the Authority aforesaid that it shall and may be Lawful for the said Vestry of Chester Parish and they are hereby required to contract and agree with a proper Person or Persons for the Building finishing and Compleating (all but the Pews) an Addition to the said House of Worship in Chester Town Sufficiently large, together with the said House already Built, to hold the People of the said Town and of the Neighbourhood thereabouts, so as it does not Cost more than fifty Thousand Pounds of Tobacco and that the said Vestry Shall contract and agree with a Proper Person or Persons to erect and finish Pews in the said Addition which when finished the said Vestry are hereby authorized and required to Sell and dispose of to such of the People of the Town resident in and owners of Lotts therein, and have not Pews already in the old part of the said Building, and others Freeholders in the said Parish convenient to the said Church for Such reasonable price as will in the whole be Sufficient to pay for the erecting the said Pews which said Ground or Land and House thereon and Addition when so built and finished shall be and is hereby declared to be constituted and deemed the Land and Chapple of Ease of the said Parish; and the said Chapple forever hereafter shall be Supported and repaired at the Charge of the said Parish; And the Incumbent for the time being of Chester Parish aforesaid shall and is hereby required to perform divine Service on Sundays Alternately at the Parish Church of the said Parish and the said Chapple of Ease in Chester Town

[Sheriff to Collect the Assessments, and pay the Vestry]

And be it further enacted by the Authority aforesaid that the Sheriff of the County aforesaid for the time being shall and is hereby impowered and required to Collect and receive the said Assessments so as aforesaid made by the said Court in the same manner and in the same time as he collects other Public and Parish dues and that he and his Securities shall be answerable for the Same and he or his Executors or Administrators shall pay the Said Sums so assessed to the Vestry of Chester Parish aforesaid or to their Order or Orders at any time after he has collected, or by Law ought to have collected the same and the said Vestry or the Major part of them are hereby Authorized and impowered to receive the Sums of Tobacco and Money raised and collected by the Sheriff under the Assessments as aforesaid or his Executors or Administrators for the Uses and Purposes aforesaid or to draw orders for the Same

12.th Dec.r 1765
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemara Clk Lo Ho:

In Behalf of the Right Honble the Lord Propry of this Province I Will this be a Law
Hor:o Sharpe

12.th Dec.r 1765
Read and Assented to By the Upper House of Assembly
Signed ꝑ order
UScott, Clk Up: Ho:

The Great Seal in Wax app.t

No. 33 Ex.^{d}

An Act to increase the allowance of Jurors attending the Provincial and County Courts and for other Purposes therein mentioned.

Whereas the allowances heretofore made to Grand and petit Jurors attending the Provincial and County Courts are so small that the same are not Sufficient to Maintain such Jurymen during the time of their Attendance in order therefore that reasonable Provision may be made for them it is humbly prayed that it may be enacted

[Preamble]

And be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the Same That from and after the End of this Session of Assembly There shall be allowed to every Grand and Petit Juror who shall be Summoned to attend at the Provincial Court in Lieu and in Stead of all or any Allowance or allowances by any former Act or Acts of Assembly of this Province the Quantity of Sixty four Pounds of Tobacco per Day for every day such Juror shall attend the Provincial Court aforesaid in the Public Levy of this Province, and be paid in the County where such Juror Resides besides the Quantity of Ninety Six Pounds of Tobacco which shall be allowed to every full Jury who shall pass their Verdict in any Cause to be paid by the Party for whom such Verdict shall pass and be allowed in the Bills of Cost as usual, and no more any Law Statute or Usage to the Contrary notwithstanding

[Allowance to Jurors attending the Provincial Court, 64 ℔ Tobacco per Day]

p. 572

[And 96 ℔ to every full Jury on a Verdict]

And be it further Enacted that in Case any Jury who shall be sworn and Charged in any Cause shall be ready to give their Verdict therein, but the Plaintiff or Plaintiffs in Such Cause shall refuse to appear to such Verdict whereby the said Plaintiff or Plaintiffs in Such Case shall be nonsuit, that then and in Such case the said Jury shall be allowed the aforesaid Quantity of Ninty Six Pounds of Tobacco in the same manner as if they had given their Verdict in such Cause, and the Same shall be paid by the Defendant or Defendants therein and be allowed in his, her or their Bill of Costs against the Plaintiff or Plaintiffs in Such Cause.

[The same Allowance where the Plaintiff refuses to appear]

And be it further Enacted that there shall be allowed to every Grand and Petit Juror who shall be Summoned and attend the said Provincial Court over and above the allowances aforesaid for Itenerant Charges at the Rate of Sixty four Pounds of Tobacco per day as Follows Viz.^{t} to those from the Counties of Saint Marys, Kent, Talbot, and Frederick Six Days each: from Calvert, Charles, Baltimore, Prince Georges and Queen Anns four Days each, From Somerset and Worcester ten Days each; And to those from Dorchester and Cæcil Counties eight Days each, and no more; to be allowed and paid in the same manner as the other Allowances herein mentioned are directed to be allowed and paid.

[Allowance for itinerant Charges]

And be it likewise Enacted that there shall be allowed to every

[Allowance to Jurors in County Seats]

Liber H. S. No. 1

Grand and Petit Juror who shall be summoned and attend any County Court in Lieu and stead of all or any allowance or allowances by any former Act or Acts of Assembly the Quantity of twenty four Pounds of Tobacco per day, for every Day such Juror shall attend any County Court aforesaid, besides the Quantity of Ninety Six Pounds of Tobacco for each Cause and no more

[No more Charge to be allowed in the Bill of Costs, than of 3 witnesses to the proof of any particular Fact, &c, except in Land Affairs]

And Whereas it is and has been a frequent Practice among parties p. 573 to Suits, to Summon Several Witnesses to the Proof of one and the same Matter of Fact in a Cause and many others who really know nothing of the Fact only to Inhance the Costs to the Great Burthen and oppression of the party who by the Judgment of the Court in Such Cause is awarded to pay the Costs of Such Suit; for prevention whereof for the Future. Be it Enacted that in any Action or Actions already commenced or hereafter to be commenced there shall not be allowed the Charge of more than three Witnesses to the Proof of any one particular matter of Fact unless where Boundaries of Land shall come in Question in which Case it Shall be in the Discretion of the Court where such Cause shall be tryed to allow a greater Number; nor shall there be allowed the Charge of any other Witness or Witnesses who shall appear to the Court to have been unnecessarily Summoned.

[Witnesses residing in other counties, shall be allowed itinerant Charges at the rate of 40 ℔ of Tobacco per Day in the County Court]

And be it further Enacted, that where any Person shall be summoned to attend as a Witness to Testifie at any County Court within this Province who shall at the same time Reside in a Different County than that where such Court shall be held to which he or She shall be Summoned to attend to give his or her Evidence that it shall and may be Lawful in such Case for the Justices of the Same County to allow such Witness for so many Days itenerant Charges as the said Justices shall think reasonable at the rate of Forty Pounds of Tobacco per day over and besides the Time that such Witness shall attend such Court to which he or She shall be summoned to Give Evidence

[All which may be discharged in Money 12 s. 6 per cent]

Provided always and be it further Enacted that it shall and may be Lawful for the Several and respective Inhabitants, and Suitors to pay and discharge the said Several and respective Quantities of Tobacco in Gold and Silver in the same manner as they are enabled to pay and discharge the Public and County Levy

[The Act of 1760, Ch. 16 repealed]

And be it further Enacted that an Act of Assembly of this Province made at a session of Assembly begun and held at the City of Annapolis on the twenty Sixth day of September Anno Domini Seventeen hundred and Sixty entituled an Act for increasing the allowance of Grand and Petit Jurors who shall attend the Provincial Court to Limit Costs with respect to Witnesses and Granting them an Allowance for itenerant Charges, be and is hereby Repealed

[Duration]

This Act to continue three years and to the end of the next Session of Assembly which shall happen after the Expiration of the said three Years Liber H. S. No. 1

14th Dec.r 1765.
Read and Assented to
By the Lower House of
Assembly
Signed ꝑ order
MMacnemara Clk. Lo Ho:

On Behalf of the Right
Honble the Lord Propry
of this Province I Will
this be a Law
Hor:o Sharpe

the Great Seal
in Wax App.t

14th Dec.r 1765.
Read and Assented to
By the Upper House of
Assembly
Signed ꝑ order
UScott Cl: Up: Ho:

No. 34 Ex.d An Act to confirm a lease made by Thomas Harrison of Baltimore County for part of a Lot of Land therein mentioned lying in Baltimore Town in said County to the Commissioners of the said Town and their Successors and to Establish a Market in the said Town and for the Regulation of the said Market p. 574

[Preamble] Whereas it has been represented to this General Assembly That the Inhabitants of the said Town have obtained a Lease from a certain Thomas Harrison to William Lyon, Nicholas Ruxton Gay, John Moale and Andrew Buchanan to and in the Name of a Majority of the commissioners of the said Town bearing date the fourth day of June Seventeen hundred and Sixty three for part of a Lot of Land in the Said Town distinguished in the Plat thereof by the Number Seventyone for and during the Term of Ninety Nine years under the Yearly Rent of eight Pounds Sterling money with a Covenant therein Contained on the part of the said Thomas Harrison for the Renewment of the said Lease at the expiration of the said Term and further renewable for ever on which said part of the Lot of Land aforesaid the said Inhabitants have built and erected a large and Convenient Building calculated for a Market House and other Public Uses which if put under a proper Regulation might be rendered very usefull to them and the Inhabitants of the said County and it is prayed that an Act of Assembly may be passed for Confirming the said Lease and Vesting the Estate therein limitted to the said Commissioners and their Successors for the Use and Benefit of the said Town and for holding and regulating the Market of the said Market House and for the appointment of a Clerk of the said Market by the Justices of Baltimore County Court.

[Lease confirmed] Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the Upper and Lower Houses of assembly and the Authority of the Same That the said Lease so made by the said Thomas Harrison to the said Commissioners and every Clause matter and thing therein contained shall be and hereby is declared good and Sufficient in Law and that the said Commissioners and their Successors Commissioners of Baltimore Town Shall and may hold Possess and enjoy the said demised part of the Lot of Land aforesaid, and the Estate therein Limitted to and for the Use and Benefit of the said Town in as full and ample manner as if they the said Commissioners had been legally constituted a Body Politick and corporate in Deed and in name with capacity to Purchase.

[Market Days established &c] p. 575

And be it further Enacted by the Authority advice and Consent aforesaid that from and after the first day of January next two days in every Week Wednesday and Saturday shall be held as Market days at the Market House in the Town of Baltimore aforesaid and that all Victuals and Provisions whatsoever brought to the said Town for Sale (except Fish and Oysters that shall be brought by Water All kinds of Grain Flower and Bread Butter in Firkins or other Vessels exceeding twenty Pounds Nett, and Cheese, Pork by the Hog, Beef and Pork in Barrells or larger Casks, live Cattle Sheep and Hogs that Shall be brought either by Land or Water) upon those or any other days of the Week shall be carried to the Publick Market House of the said Town there to be Sold at the Stated Market Hours to Wit from any time in the morning to twelve at noon

[Market Hours]

And be it further Enacted that no Inhabitant of the said Town or other Person shall Presume to buy or Cause to be bought of any Person or Persons bringing (and within one Mile of the said Town) or having brought therein any kind of Victuals or Provisions for Sale (except as before excepted) either upon the above Stated Market days or any other days of the Week during the time of the above stated Market hours at any other Place whatsoever but at or in the aforesaid Market House under the Penalty of twenty Shillings Current Money of this Province for every Such offence to be recovered by Warrant before any Justice of the Peace for Baltimore County or the County where Such Person shall Reside as in Case of small Debts to be paid to the Clerk of the said Market for the time being and applied by him to the Uses herein after mentioned.

[Penalty on buying within Market Hours out of Market House]

And be it further Enacted That no Person whatsoever bringing or Sending or having brought or Sent any victuals or Provisions to the said Town for Sale (except as before excepted) Shall presume to Sell or Cause to be sold the Said Victuals or Provisions, so bringing or Sending or brought or Sent as aforesaid to the said Town or within one Mile thereof either by Land or Water at any other place whatsoever during the time of the above Stated Market hours but at or in the aforesaid Market house under the Penalty of Ten Shillings Current Money of this Province for every Such offence to be recovered paid and applied as aforesaid and if any Servant or Slave shall presume to Sell any Victuals or Provisions contrary to the true intent and meaning of this Act Such Servant or Slave shall be punished by whipping on the bare back at the discretion of one or more Justices of the Peace for Baltimore County provided Such whipping do not exceed fifteen Lashes for any one offence.

Liber H. S. No. 1 [Penalties, how to be recovered]

And be it further Enacted that the Penalties in this Act mentioned shall be recovered by and in the name of the Commissioners of the said Town to be by them ordered to the Publick Use and Benefit of the said Town.

[Justices to nominate the Clerk at November Court yearly]

p. 576

And be it further Enacted that the Justices of Baltimore County aforesaid in Court Sitting shall and they are hereby required at every November Court yearly and every year during the continuance of this Act to nominate and appoint one of the Inhabitants of the Town of Baltimore aforesaid being a Freeholder within the said Town to be Clerk of the said Market for the year then next ensuing whose Power and Authority as Clerk shall continue untill the last day of November Court Succeeding Such nomination and appointment.

[Clerk to take Charge of the Market, and inspect Provisions &c.]

And be it further enacted that the Clerk of the said Market to be appointed shall have Sufficient Power and Authority to take Care and Charge of the Market and Market House aforesaid to inspect the provisions brought thereto for Sale and if any shall be found unsound or unwholesome to destroy the Same and also to try and adjust the Weights and Measures used at the said Market by Standards to be provided and kept there by the Commissioners of the Said Town for that purpose and the same when false or untrue to Seize and dispose of at the next Publick Market day to the highest bidder and the money arising from Such Sale to appropriate to the Use of the said Town.

[Clerk enabled to rent the Stalls &c]

And be it further Enacted that the said Clerk so nominated and appointed as aforesaid shall have full Power to rent or hire out as well the Stalls and Shambles in the said Market House as the Rooms and appartments over the same and a fair and just Account of the Proffits arising from such Rents and also of all Such fines and Penalties he shall receive by Virtue of this Act; he the said Clerk is hereby directed to keep and apply the same from time to time to the Use and Benefit of the said Town according to the orders or directions of the Commissioners thereof for the time being for all which Services the said Clerk shall be allowed of the Publick Money belonging to the said Town at the discretion of the said Commissioners not exceeding the sum of thirty Pounds per annum.

[Clerk to take the Oath of office]

Provided always and be it enacted that before any Clerk to be nominated and appointed as aforesaid Shall enter upon his Office he shall be obliged to take an Oath before some Justice of the Peace for Baltimore County justly Truly and impartially to performe the Several duties required of him by this Act and the Several Oaths to the Government appointed by Law and Subscribe the oath of Abjuration and repeat and Sign the Test

And whereas the Time by this Act prescribed and appointed for the Choice of the said Clerk is already elapsed, and the Inhabitants

[Commissioners to make the first appointment] p. 577

of the said Town of Baltimore labour under dayly inconveniences for want of the regulations hereby made Be it also enacted that the Commissioners of the said Town or the Major part of them may And are hereby impowered and required on the first day of January next to nominate and appoint one of the Inhabitants of the said Town being a Freeholder within the said Town to be Clerk of the said Market for the year ensuing and untill the last day of November Court then next following which Clerk so nominated and appointed shall have all the Power and Authority hereby given or intended to be given to any Clerk to be appointed by the Justices of the County Court aforesaid.

[In Case of death, &c, to nominate a-new]

And be it further Enacted That in case of the Death removal or other disqualification of any Clerk of the said Market to be nominated or appointed by the Justices of the Said County Court or the Commissioners of the Town aforesaid immediately thereupon or as soon as may be the Commissioners of the said Town or the Major part of them shall nominate and Appoint some other Person duly Qualified as aforesaid to be Clerk until the last day of the November Court then next ensuing who shall have full Power and Authority as Clerk of the Market in every case aforementioned

[Clerk to give Bond, &c]

And be it further Enacted That every Person so Nominated and appointed either by the Justices aforesaid or by the Commisisoners of the said Town as Clerk of the said Markett shall before he takes on himself the Execution of the said Office enter into Bond with two Sufficient Securities in the Sum of two hundred Pounds Current Money to the Commissioners of the said Town of Baltimore for the time being with Condition thereto that he will well and Faithfully discharge his duty agreeable to the Act of Assembly entituled an Act to confirm a Lease made by Thomas Harrison of Baltimore County for part of a Lot of Land therein mentioned lying in Baltimore Town in said County to the Commissioners of the said Town and their Successors, and to establish a Market in the said Town and for the Regulation of the said Market "and a just and True account render of all Such Monies as he shall receive by Virtue of his Office and that he will pay and apply such Monies so received as the Commissioners aforesaid for the time being or the Major part of them order and direct.

[No person to lead, ride, or drive Horses, or kill in the Market House]

And be it further Enacted by the Authority advice and consent aforesaid that it shall not be Lawfull for any Person whatever wilfully to lead Ride or drive into the aforesaid Market House any Horse Gelding Mare or Colt or to kill or Slaughter in the said House any Beast of the Beef Sheep or Hog kind under the Penalty of two Shillings and Sixpence Current Money of this Province for every such offence to be received paid and applyed in manner and Form as in this Act before directed Saving to his most Sacred

[Salvo]

Majesty his Heirs and Successors, the Right Honourable the Lord

Liber H. S. No. 1

Proprietary his Heirs and Successors and to all Bodies Politick and Corporate and all others not mentioned in this Act, their Several and respective Rights

[Duration]

This Act to continue Seven years and unto the end of the next session of Assembly which shall happen after the expiration of the said Seven years.

Dec.r 14th 1765.
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemara Clk:LoHo:

On Behalf of the Right honble the Lord Propry of this Province I Will this be a Law
Hor:o Sharpe

The Great Seal in Wax app.t

14th Dec.r 1765.
Read and Assented to By the Upper House of Assembly
Signed ꝑ order
UScott Cl: Up: Ho:

No. 35 Ex.d An Act for destroying of Crows and Squirrels in particular Counties, and of red Foxes in Kent and Queen Ann's Counties. p. 578

[The Act of 1728, Ch. 7, repealed]

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the Same that so much of an Act of Assembly made at a Session of Assembly begun and Held at the City of Annapolis the third day of October one Thousand Seven hundred and twenty eight entituled an Act to encourage the destroying of Wolves Crows and Squirrels as relates to the killing of Crows and Squirrels so far as the same relates to the Several Counties of Saint Mary's, Somerset, Charles, Ann Arundel Cæcil, Calvert, Worcester, Talbot, Prince George's, Frederick and Dorchester be and is hereby repealed abrogated and made Null and void.

[Taxables in Somerset, Caecil, Worcester and Dorchester to produce four squirrel scalps or crows heads]

And be it further Enacted by the Authority aforesaid that from and after the first day of March next every Master, Mistress, Owner of a Family or Single Taxable in the Counties of Somerset, Cæcil, Worcester and Dorchester shall be and are by this Act obliged yearly at some time before the laying their County Levy to produce to some one of the Justices of the Peace of their County four Squirrel Scalps or Crows Heads for every taxable Person they shall Pay Levy for that year, and the Several Justices of the Peace before whom such Squirrel Scalps or Crows Heads shall be brought shall burn or Cause to be burnt or otherwise destroyed such Squirrel Scalps or Crows Heads that shall be so produced to him or them to prevent their being produced a Second time and give Such Person a Certificate under his hand certifying the Number of Squirrel Scalps or Crows Heads such Person brought before him which Certificate the Person obtaining the Same shall lay before the Justices of their County at the time of laying their County Levy and the Justices of the said Counties Severally Shall then Cause a List of Taxables to be laid before them in order from thence to compare the Numbers of

Taxables each Person Pays in the County with the certificates produced that thereby it may be found what persons have complied with this Act and who have failed therein

[In Talbot County, Three]

And be it further Enacted that from and after the first Day of March aforesaid every Master Mistress Owner of a Family or single Taxable in Talbot County shall yearly before the laying of the Levy for said County produce to some Justice of the Peace of said County three Squirrel Scalps or Crows Heads for every Taxable they shall pay Levy for that Year And the several Justices of the peace before whom such Squirrel Scalps or Crows Heads shall be brought Shall burn or cause to be burnt or otherwise destroyed such Squirrel Scalps or Crows Heads and give such person a Certificate under his Hand of the Number of Squirrel Scalps or Crows Heads so brought before him to be by the person obtaining the Same laid before the Justices of the same County at the Time of laying the County Levy and the Justices of the County aforesaid shall then Cause a List of the Taxables to be laid before them in order from thence to compare the Number of Taxables each person pays in the said County with the Certificates produced that it may be found who have complied with this Act and what persons have failed therein.

[On failure to pay 2 ℔ of Tobacco for each Head]

And be it further Enacted by the Authority advice and Consent aforesaid that every Person that shall fall short of producing a Certificate of Squirrel Scalps or Crows heads in Proportion to their Taxables according to the directions and exigence of this Act the Justices of the Several and respective County Courts wherein such Person or Persons Shall reside at the time of laying the County Levy are hereby impowered and required for each Squirrel Scalp or Crowes Head Such Person shall fall Short in manner aforesaid to Levy upon Such Person the sum of two Pounds of Tobacco to be upon Execution and collected by the Sheriff of the County in the Same manner as the Publick and County Levies are, to be applied towards the defraying the County Charge

p. 579

[Proof to be made]

Provided always that no Justice of the Peace Shall give a Certificate of Such Squirrel Scalp or Crows Head so produced unless Proof is made by Oath (or Affirmation if a Quaker) of the Person Producing the Same or Some other credible Person that the Squirrels or Crows of which those are the Scalps or Heads were actually killed in the County where produced, any Thing in this Act to the Contrary Notwithstanding.

[Allowance of 20 ℔ Tobacco for red Foxes in Kent and Queen Anne's]

And whereas it is represented to this present General Assembly that red Foxes have been found to be very injurious to the Inhabitants of Kent and Queen Ann's Countyes Be it Enacted by the Authority aforesaid that from and after the end of this Present Session of Assembly every Person who Shall kill or Destroy any red Fox in the aforesaid Counties of Kent and Queen Ann's and Shall bring the Head of the same to any Justice of the Peace for the aforesaid Counties who is hereby required to burn or otherways destroy the same and give the Person so bringing such Fox's Head a Certificate thereof shall be allowed for every Such Head in the County Levy the Quantity of twenty Pounds of Tobacco

[To be paid Residents only]

Provided always that no Person whatsoever other than those who shall be Residents in the aforesaid Counties of Kent and Queen Ann's shall be entituled to Such Reward as is herein before directed nor any Such Residents untill he she or they, Shall first make Oath before a Justice of the Peace (or affirmation if a Quaker) or make appear by the oath or Affirmation (if a Quaker) of some other Credible Person that such Fox was to his her or their knowledge or the knowledge of such other Credible Person actually killed in the County where the allowance is prayed,

[May be paid as Public Dues]

Provided also that the Sum allowed for every Fox's Head Shall and may be collected paid and discharged by the Inhabitants of the said Counties of Kent and Queen Ann's respectively as other publick and County Levies are collected paid and discharged

[Duration]

This Act to continue three Years and untill the end of the Next Session of Assembly which shall happen after the expiration of the Said three years

14.th Dec.^{r} 1765.
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemara Clk:LoHo:

On Behalf of the Right honble the Lord Propry of this Province I Will this be a Law
Ho:^{ro} Sharpe

14. Dec.^{r} 1765.
Read and assented to By the Upper House of Assembly
Signed ꝑ Order
UScott Cl: Up: Ho:

The Great Seal in Wax App.^{t}

No. 36
Ex.^{d}

An Act for the Speedy and effectual Publication of the Laws of this Province and for the encouragement of Jonas Green of the City of Annapolis Printer.

p. 580

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same, that there Shall be allowed to Jonas Green of the City of Annapolis Printer the several and respective Sums of Tobacco in the several Counties within this Province following to wit in Baltimore County five Thousand one hundred and Sixty, in Ann Arundel County, four Thousand three hundred and Eighty Six, Charles County four Thousand and forty two Prince George's County three Thousand nine hundred and fifty Six, Frederick County Three Thousand five hundred and twenty Six, Queen Ann's County Three Thousand four hundred and Eighty three, Saint Mary's County, Three Thousand three hundred and fifty four, Dorchester County three Thousand one hundred Eighty two, Kent County three Thousand one hundred and thirty Nine, Talbot County Three

[Allowance in Tobacco to J. Green]

[In the several counties]

Liber H. S. No. 1

Thousand and fifty three, Somerset County three Thousand and ten Worcester County, two Thousand eight hundred and Eighty one Cæcil County two Thousand Eight hundred and thirty Eight and Calvert County Ninteen hundred and Ninety which said respective Sums of Tobacco the Justices of the several County Courts within this Province are hereby impowered and required to allow and Assess in their respective County Levies Annually, during the Continuance of this Act together with the Sheriffs Salary of five Pounds per Cent for collecting the same and the Several Sums of Tobacco so to be allowed and Assessed as aforesaid, shall be collected by the Sheriff of each respective County, and yearly paid by them respectively, free from any Abatement or Deduction to the said Jonas Green or his Order for printing stitching, covering with Marble or blue Paper and delivering a Copy of the Publick Laws made this present Session of Assembly by the first day of May in the year One Thousand Seven hundred and Sixty Six and the Votes and proceedings of the Lower House of Assembly of this present Session by the tenth day of May in the year of our Lord one Thousand Seven hundred and Sixty Six, and also a Copy of the Laws of any future Session within three Months, and of the Votes and proceedings of the Lower House of Assembly within four Months respectively, after the end of every Such session, during the Continuance of this Act, to the Governor and each member of the Upper and Lower Houses of Assembly and one Book of the Votes and proceedings to the Clerk of each House and three Books of the Votes and proceedings aforesaid to the Clerks of the several and respective County Courts for the Perusal of the Inhabitants of the Several and respective Counties and a Copy of the Publick Laws during the Continuance of this Act, to every Provincial & County Magistrate and a Copy of each Law bound up in Leather, to each house of assembly, the high Court of Appeals, the Provincial Court and to each County Court within this Province unless he shall be hindred by the Death of his hands employed in the Press or by Sickness or the unavoidable Accident of his Press Breaking

[His Duty for such allowance]

p. 581

[His allowance in case of no session]

And be it likewise enacted, that if it should so happen, that in any Year during the Continuance of this Act, there should not be any Session of Assembly held within this Province whereby the said Jonas Green may be enabled to print Laws and deliver them within such Year that then and in such Case there shall be allowed to the said Jonas Green the several and respective Sums of Tobacco in the several Counties within this Province following to wit in Baltimore County four thousand one hundred and seventy Annarundel County three thousand four hundred and fforty Charles County three thousand one hundred and Eighty Prince Georges County three thousand and Ninety six Frederick County two thousand seven hundred and Ninety five Queen Anns County two thousand seven hundred and six Saint Mary's County two thousand four hundred & Ninety four Dorchester County two thousand four hundred and eight Kent County two thousand three hundred and Sixty five Talbot County two thousand one hundred and fifty Somerset County two thousand and twenty Worcester County nineteen hundred and thirty five Cæcil County Eighteen hundred and Ninety and Calvert County fourteen hundred and Sixty which said respective Sums of Tobacco last aforementioned together with the Sheriffs Salary of five Pounds ꝑ Cent for Collecting the same the said Justices of the several County Courts within this Province are hereby impowered and required to allow and assess in their respective County Levy, and shall be by the respective Sheriffs collected, and yearly paid to the said Jones Green, in Manner and form aforesaid, for his better Support and Encouragement in serving the Province and residing within the same. Liber H. S. No. 1

Provided always and be it hereby enacted that it shall and may be lawful for the Taxable Inhabitants of this Province upon whom the above Sums of Tobacco shall be assessed to discharge and pay the same in Gold and Silver at the same Rates, as by the Act entitled an Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees made at a Session of Assembly begun and held at the City of Annapolis the fourth Day of October in the Year of our Lord One thousand seven hundred and Sixty three, Gold and Silver is directed to be received in all Payments made in Virtue of that Act. [May be paid in Money] p. 582

Provided always that the said Jonas Green shall actually reside at Annapolis during the Continuance of this Act, and Comply with the Terms thereof; and that upon the Death of the said Jonas Green or his Removal from Annapolis, or ceasing to Comply with the Terms of this Act on his Part, the Payment of the Sums of Money herein before directed to be paid to him, shall Cease, any thing Contained in this Act to the Contrary notwithstanding. [Proviso, in case of his Removal]

And be it likewise enacted that the Copy of the Publick Laws made at this present Session of Assembly as well as those made at any future Session, during the Continuance of this Act shall have marginal Notes made and printed thereto, as also the Date of the Year wherein such Laws were respectively made inserted in each Page and a List of such Laws made at the End of each Session, with the Page where they are printed, all which the said Jonas Green is hereby required and obliged to do as well as all other Services herein before mentioned, for the yearly Salary aforesaid. [The Laws to have Marginal Notes, &c]

And whereas the Law for the Encouragement of the said Jonas Green did expire the second Day of April seventeen hundred and Sixty five, whereby the said Jonas Green can have now no Allowance by Assessment in Manner af.^{d} directed from this Province for the Year seventeen hundred and Sixty five af.^{d} [His Allowance for the present Years]

Be it therefore enacted that the Treasurer of the Western Shore for the Time being shall and do pay unto the said Jonas Green on

Liber H. S. No. 1

his Order the Sum of two hundred and Sixty Pounds Gold Currency out of the Publick money now in his Hands in full Satisfaction of his Salary in the Year seventeen hundred and Sixty five aforesaid

[On producing the Sheriff's Receipt] Provided that the said Jonas Green before he be intitled to receive the said Money shall produce to the said Treasurer a Certificate from the Sheriff of Annarundel County for the Time being, that he shall have received from the said Jonas Green the Publick printed Laws and the Votes and Proceedings of the last and present Session of Assembly by the tenth Day of May next.

[Proviso, in case of his Failure of Duty] Provided also, that it shall and may be lawful for the Sheriffs of the several and respective Counties respectively, and they are hereby required not to pay to the said Jonas Green the said respective Sums of Money herein before mentioned, or any Part thereof, to be assessed and levied for his Use, for his Salary for this present or any future Year, during the Continuance of this Act, unless it shall be made appear to them by a Certificate or Receipt from the Sheriff of Annarundel County for the Time Being that the publick Laws & the Votes and Proceedings of this Session and every future Session or Convention during the Continuance of this Act were printed and delivered to him within the respective Times herein before directed; p. 583 any thing herein before Contained to the Contrary, in any wise, Notwithstanding

[Laws and Votes to be forwarded as Public Letters] And be it further enacted that the several and respective Sheriffs within this Province shall and they are hereby directed and required to receive and forward the said Laws with the Votes and Proceedings aforesaid to the Clerks of the several County Courts, and Members of each House of Assembly as publick Letters are by the Laws of this Province directed to be forwarded and under the like Penalty, to be recovered and applied in like Manner.

[Duration] This Act to Continue till the first Day of December seventeen hundred and Sixty six.

16 Dec.^{r} 1765
By the Lower House of Assembly read & assented to
Signed ꝑ Order
MMacnemara Cl lo ho

On Behalf of the Right Honble the Lord Propry of this Province I Will this be a Law
Hor.^{o} Sharpe

the Great Seal in Wax appd.^{t}

17.th Dec.^{r} 1765
Read and assented to By the upper House of Assembly
Signed ꝑ Order
UScott Cl. Up Ho.

No. 37 An Act for laying out a new and setting and ascertaining the future Bounds & Limits of S.^{t} Luke's, Christ Church and Saint John's Parishes in Queen Anns County and of S.^{t} Pauls Parish lying partly in Queen Ann's and partly in Talbot County.

[Preamble] Whereas it is represented to this present general Assembly that by Reason of the great Extent of some of the Parishes aforesaid it is very inconvenient for many of the Parishoners to attend divine Service and that Others of the said Parishes are so small that the Incomes thereof are not sufficient for a Comfortable and decent Support for a Minister and that it would be for the general Ease & Convenience of the Parishioners of the said Parishes if the same Parishes were laid out anew and the future Bounds & Limits of them respectively ascertained it is therefore prayed that it may be enacted

[Commissioners appointed to divide some Parishes]

And be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor and the upper and lower Houses of Assembly and the Authority of the same That Robert Lloyd, Edward Tilghman, James Hollyday, Thomas Wright, Richard Tilghman Earle, William Hemsley, Nathan Samuel Turbett Wright, Solomon Wright, John Brown Benjamin Gould, James Hackett, Thomas Ringgold and Christopher Cross Routh of Queen Anns County Gentlemen shall be and are hereby Constituted and appointed Commissioners for laying out a new and setting and ascertaining the future Bounds of S.^{t} Lukes Christ Church and Saint John's Parishes in Queen Anns County and S.^{t} Pauls Parish lying partly in Queen Ann's and partly in Talbot County which Commissioners are hereby required and directed to meet together on or before the first Day of March next, at Queen's Town in Queen Ann's County aforesaid and they or the major Part of them being so met together shall and may Choose a fit and qualified Person to be their Clerk to make Entries of their Proceedings in a Book to be by him provided for that Purpose and shall and may adjourn from Time to Time to any Day and Place which to them shall seem most Convenient for the purpose of putting this Act in Execution.

[And to have a clerk]

p. 584

[Who is to be on Oath]

And be it further Enacted that the said Clerk so to be Chosen shall before his Entring upon the Execution of his Duty take an Oath well and truly to demean himself therein and true Entries to make of the Proceedings of the said Commissioners

[The Surveyor to attend them]

And be it further enacted that the said Commissioners or the major Part of them taking to their Assistance the Surveyor of Queen Anns County aforesaid as often as shall appear to them needfull who is hereby required to attend the said Commissioners at such Times and Places as they or the major Part of them shall appoint and do what shall be by them required of him in the Execution of this Act shall with all Convenient Speed and as soon as may be after their said first Meeting proceed to lay out anew and settle and ascertain the respective future Limitts of the said Parishes by such natural and artificial Bounds & Lines as to them or the major Part of them shall appear to be most Conducive to the Ends and Intention of this Act, and shall finish and Compleat the same Division on or before the twentieth Day of May next.

Liber H. S. No. 1

[Regard to be had to the Number of Taxables, &c.]

Provided always that the said Commissioners in laying out anew and dividing the said Parishes shall have regard to the number of Taxables to be Contained in each Parish so as to leave the yearly Income of Saint Luke's Parish as near the Sum of fforty five thousand Pounds of Tobacco, and the yearly Income of Saint Pauls Parish as near the Sum of fforty thousand Pounds of Tobacco as conveniently may be with Respect to the Facility of the said Division and the Intention of this Act.

[Certificate of the Bounds &c, to be made, signed and lodg'd with the clerks]

And be it further enacted that the said Commissioners or the major Part of them as soon as Conveniently may be after they shall have laid out anew the said Parishes shall Cause the said Surveyor to make out two distinct and fair Certificates of the Bounds and Limits as well natural as artificial of each of the said Parishes so as aforesaid to be by them settled, and ascertained and one other such Certificate of the Bounds & Limits of each of the said Parishes which shall extend into Talbot County, which Certificate shall be signed by the said Commissioners or the major Part of them and the said Surveyor one of which Certificates of the Bounds and Limits of each Parish shall be returned by the said Commissioners to the County Court which shall be next after the making and Compleating the Division aforesaid held for Queen Anns and Talbot Counties respectively in the Month of June next and one other to the Vestry of each Parish respectively at their next Meeting after the making and Compleating the said Division

[The same to be inrolled by the County Clerks] p. 585

And be it further Enacted that upon the Return of the said Certificate the said County Courts shall Cause the Clerks of the said Courts respectively to inroll the same among the Land Records of the said Courts and the Vestry of each Parish aforesaid shall Cause the Certificate of the Bounds and Limits of their Parish to be entered in the Register of their Proceedings, and the Bounds and Limits of the said Parishes being so as aforesaid Certified, inrolled, and entered in the Registers, shall be and shall hereafter be deemed and held to be the true and certain Bounds and Limits of the said Parishes respectively, any former Law to the Contrary Notwithstanding

[and Parish Registers]

[Also their Book of Entries]

And be it further Enacted that the said Commissioners shall together with the Certificates aforesaid Return to the said County Court of Queen Ann's County the Book Containing the Entries of their Proceedings in the Premisses, which shall be carefully kept and preserved by the Clerk of the said Court

[Hundreds to be laid out a-new, if necessary]

And be it further Enacted that the said County Courts of Queen Anns and Talbot Counties on Receipt of the said Certificates shall at their said Courts to be held in the Month of June next respectively regulate and lay out anew if need be the several Hundreds contained in the said Parishes in such Manner that each of the said Parishes shall contain entire Hundreds.

Liber H. S. No. 1 [Allowance to the Commissioners, &c. in executing this Act]

And be it further Enacted that each of the said Commissioners shall be allowed the Sum of Sixty four Pounds of Tobacco for each Day he shall attend in the Execution of this Act, and the Surveyor of the County aforesaid shall be allowed the Sum of Eighty Pounds of Tobacco for each Day he shall attend in the Execution of this Act, and the said Clerk to the Commissioners shall be allowed the Sum of Sixty four Pounds of Tobacco for each Day he shall attend the said Commissioners, and the said Clerks of the County Courts aforesaid shall be allowed their legal Fees for inrolling the said Certificates, all which Allowances shall be made and assessed in the Public Levy of Queen Anns County at the November Court next after the said Services done, and shall and may be paid and discharged in the same Manner that other County or Parish Taxes are or may be paid & discharged

[30,000 ℔ of Tobacco to be levied for repairing Wye Chapel, by three equal assessments]

And Whereas sundry of the Inhabitants of the Southern Quarter of Saint Pauls Parish aforesaid by their humble Petition to this general Assembly have represented that the Chapel called Wye Chapel in the said Parish is so small and incommodious that near one half of the Inhabitants in that Part of the said Parish are without Seats or any other Conveniency to attend Divine Worship therein; and have therefore humbly prayed that an Act may be passed for levying on the Inhabitants of the said Parish by three equal annual Assessments the Sum of thirty thousand Pounds of Tobacco to be applyed towards building an Addition and Galleries to the said Chapel .

Be it therefore Enacted by the Authority Advice and Consent aforesaid that the Justices of Queen Anns and Talbot Counties aforesaid shall be and they are hereby impowered and required to Levy on the Taxable Inhabitants of Saint Pauls Parish aforesaid within the said Counties respectively the Sum of thirty thousand Pounds of Tobacco together with the Sheriffs Salary of five Pounds of Tob.° ℘ Centum for Collecting the same by three equal Assessments, that is to say one third Part thereof at their November Courts which shall be in the Year One Thousand seven hundred p. 506 and Sixty six, one third Part thereof at their November Courts which shall be in the Year One thousand seven hundred and Sixty seven, and one third Part thereof at their November Courts which shall be in the Year One thousand seven hundred and Sixty eight which said Sum of thirty thousand Pounds of Tobacco shall and may be collected by the Sheriffs of the said Counties respectively together with their Commission as aforesaid and may be paid and discharged by the Parishioners aforesaid in the same Manner that other County and Parish Taxes are Collected paid and discharged and shall be by the said Sheriffs accounted for and paid to the Vestry and Church Wardens of Saint Pauls Parish aforesaid for

Liber H. S. No. 1

the Time being who are hereby authorized & impowered to apply the same towards Building an Addition & Galleries to the said Chapel in such Manner as to them shall seem most necessary and convenient and to no other Use or Purpose whatsoever

[80,000 ℔ of Tobacco, in like Manner for re-building St. Paul's Parish Church]

And Whereas it is also represented to this general Assembly that the Parish Church of Saint Pauls Parish aforesaid is old and very much decayed, so that it is become necessary that a new Church should be built in the Room of the old one which is not worth repairing, and that it is the desire of the Parishioners of the said Parish that the Sum of eighty thousand Pounds of Tobacco should be levied on the Taxable Inhabitants of the said Parish by three equal annual Assessments and applied towards the Building and Compleating a new Parish Church at the Place where the present Parish Church stands Be it therefore further Enacted that the Justices of Queen Anns and Talbot Counties aforesaid shall be and they are hereby impowered and required to levy on the taxable Inhabitants of Saint Pauls Parish af.^{d} within their said Counties respectively the Sum of Eighty thousand Pounds of Tobacco together with the Sheriffs Salary of five Pounds of Tobacco ꝑ Centum for Collecting the same by three equal Assessments in the same Manner and at the same Times as above directed for the Levying the said Sum of thirty thousand Pounds of Tobacco which Sum of eighty thousand Pounds of Tobacco shall and may be collected by the Sheriffs of the said Counties respectively together with their Commission as aforesaid and may be paid and discharged by the Parishioners aforesaid in the same Manner that other County and Parish Taxes are collected, paid, and discharged and shall by the said Sheriffs be accounted for and paid to the Vestry and Church Wardens of Saint Pauls Parish aforesaid for the Time being, who are hereby authorised and required to apply the same towards Building and Compleating a new Parish Church at the Place where the Parish Church of Saint Pauls Parish aforesaid now stands in such Manner as to them shall seem most convenient, and to no other Use or Purpose whatsoever. p. 587

[The number of Taxables to be ascertained]

And to the End that the said County Courts may be the better enabled to Apportion the said Sums of thirty thousand and eighty thousand Pounds of Tob.^{o} among the Taxable Inhabitants of Saint Pauls Parish aforesaid, Be it further Enacted that the Justices of the said County Courts shall Cause the Clerks of the said Courts to certifie each to the Other by the third Day of their Courts to be held in the Month of November next, and by the third Day of their two next succeeding November Courts the Number of taxable Persons which shall be in that Part of Saint Pauls Parish which shall be in Queen Anns County and in that Part of the said Parish

Liber H. S. No. 1

which shall lye in Talbot County aforesaid respectively after the Division aforesaid shall be made.

16.th Dec.^{r} 1765
Read and assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Cl lo ho

On Behalf of the Right Honble the Lord Propry of this Province I Will this be a Law
Hor.^{o} Sharpe

The Great Seal in Wax append^{t}

17.th Dec.^{r} 1765
Read & assented to By the Upper House of Assembly
Signed ꝑ Ord.
UScott Cl. Up. Ho

No. 38 Ex.^{d} An Act for limiting the Time for sinking the Paper Bills of Credit now Current in this Province and other Purposes therein mentioned.

[Preamble]

Whereas it is necessary to close the Office established by the Act of Assembly entituled an Act for emitting and making Current Ninety thousand Pounds Current Money of Maryland in Bills of Credit, and that some Time should be limited for bringing in and sinking such of the said Bills of Credit as are not yet brought in; and whereas there is a considerable Sum of Money in Specie the Property of the Country now in that Office and also a considerable Sum of Money likewise belonging to the Country in the Hands of the Treasurers bringing in no Interest when if both these Sums were invested in Capital Bank Stock, the Dividends thereof would be increasing and assist in paying off the Publick Debt now due from the Country

[Treasurers to pay all the Public Money in their hands into the Paper Office except &c]

Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the upper and Lower Houses of Assembly and the Authority of the same that the Treasurers of this Province for the Time being respectively shall and are hereby required on or before the first Day of February next to pay into the said Commissioners or Trustees at their Office all the Publick Money they have in their Hands belonging to the Province not particularly appropriated except five hundred Pounds which shall remain in each Treasurers Hands, For which Monies so paid the said Commissioners or Trustees shall give particular Receipts to the said Treasurers expressing in what Specie whether in Paper Bills of Credit, Gold or Silver, or what Part in each or either of those Species shall be so paid and enter a particular Account thereof in their Books to the Credit of this Province p. 588

[And to Purchase Bills of Exchange]

And be it further enacted by the Authority aforesaid that the said Commissioners or Trustees shall and are hereby impowered and required as soon as may be and before the last Day of April next as well with the Money so as aforesaid to be paid in by the Treasurers as all the Gold and Silver belonging to the Country

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now in their Office to purchase good Bills of Exchange on London on the best Terms they can to be either drawn or indorsed by a good and substantial Person or Persons residing in this Province and having in the Judgment and Opinion of the said Commissioners a sufficient Estate within this Province to answer the Money so drawn for with Damages in Case of a Protest. And the said Bills of Exchange so as aforesaid respectively purchased and also the Bills of Exchange now in their Office shall with all possible Speed be remitted by the said Commissioners or Trustees to the Trustees residing in London for the Time being who are hereby impowered and directed to apply the same to the Purchase of Bank Stock for the Use of the Province of Maryland to be applied and disposed of as the general Assembly of this Province shall direct and appoint in the same Manner and under the same Limitations as they might have applied any Monies remitted under the said recited Act and shall and may retain the like Commission for their Trouble therein as they could or might retain for Monies remitted under the said recited Act.

[To be remitted to the Trustees in London]

[The Exchange settled]

Provided nevertheless that the said Commissioners or Trustees shall not give for the said Bills of Exchange more than fforty five Pounds ꝑ Cent Advance on the Sterling Sum of the said Bills in Gold or thirty three Pounds six shillings and eight Pence ꝑ Cent in Silver

[Paper Bills not to be received in the Office after the last of April 1766]

And be it further enacted that from and after the last Day of April next it shall not be lawful for the said Commissioners or Trustees to receive & pay for any of the said Bills of Credit, as they before that Day might and ought to do but that their Power Authority and Salary and the Salary of their Clerk shall then cease and determine any thing in this Act or the said recited Act to the Contrary notwithstanding.

p. 589

[On sufficient Proof of Tobacco formerly lost on Exportation, the 15 d. Duty to be refunded]

And whereas it is represented to this general Assembly that there have been sundry parcels of Tobacco exported before the twenty ninth Day of September seventeen hundred and sixty four for which the Duty of ffifteen Pence Sterling ꝑ Hogshead was collected and paid under the before recited Act and which said Tobacco was lost on the Exportation thereof from this Province and the like Quantity has not been reshipped or exported in the stead thereof Duty free as by the same Act was allowed to be done Be it therefore enacted by the Authority aforesaid that upon sufficient Proof being made to the Satisfaction of the Commissioners or Trustees aforesaid on or before the aforesaid last Day of April next of any such Tobacco having been exported and the said Duty of ffifteen Pence ꝑ Hogshead having been paid thereon and that the said Tobacco was actually lost in the Exportation thereof from this Province and that no other Tobacco had ever been allowed to be exported in Stead

Liber H. S. No. 1

thereof Duty ffree it shall and may be lawful for the said Commissioners or Trustees to repay the Proprietors of the said Tobacco so lost or whoever shall have Power and Right to receive the same to the Amount of the said ffifteen Pence ꝑ Hogshead in Bills of Exchange or Cash to the Value if Demand is made whilst they shall have any Bills or Cash in their Hands to pay the same and within the Time aforesaid and if they should not have any Bills or Cash in their Hands when such Demand is made as aforesaid it shall and may be lawful for the said Commissioners or Trustees to give an Order for the same in Current Money on one of the Provincial Treasurers at the Exchange or Advance of thirty three Pounds six Shillings and eight Pence ꝑ Cent for the Sterling and the Treasurer on whom the same is drawn is hereby obliged and required to pay the Money so drawn for out of the Countrys Money in his Hands any thing in this Act to the Contrary notwithstanding

[Disposition of the Money return'd by the Commissioners to New York]

And whereas by the Account returned by William Murdoch Edward Tilghman and Thomas Ringgold Esquires to this general Assembly of the Disposition of the five hundred Pounds directed by Ordinance to be paid to them by the Treasurer of the western Shore it appears that there is a Considerable Ballance of that Money to be returned into the Treasury Be it therefore enacted that the said William Murdock, Edward Tilghman and Thomas Ringgold shall and are hereby directed and required to pay the said Ballance of Money now in their Hands to the said Commissioners or Trustees who are hereby directed to purchase Bills of Exchange therewith and remit the same as aforesaid for the Use aforesaid the said Ordinance or any thing else to the Contrary notwithstanding

[Proviso as to Indorsement]

Provided always that Nothing in this Act Contained shall be construed to oblige the said Commissioners or Trustees by their necessary Indorsement of such Bills of Exchange as they may indorse for the Negotiation thereof to be answerable to the Public for the said Monies in Case of Protest of such Bills & Failure of the Drawer or Indorser thereof

[The Proprietor to Superintend in London]

And whereas it is hoped that the now Right Honourable the Lord Proprietary of this Province will be pleased to Continue in the Trust and Care of superintending & directing the Conduct and Behaviour of the said Trustees residing in London as he and his noble Father have heretofore done under the said recited Act and which Goodness is most gratefully acknowledged Be it enacted that the said now Lord and Proprietary of this Province shall and is hereby invested with all the Powers and Authorities over the said Trustees residing in London as to displacing and nominating and appointing anew and all other Matters and Things relative to the Execution of the Trust of the said Trustees residing in London during the Existence thereof under this Act as the Lord Proprietary was by

p. 590

Liber H. S. No. 1 the said recited Act vested with over the Trustees residing in London appointed by the said recited Act

20.th Dec.r 1765 Read & assented to By the Lower House of Assembly Signed ꝑ Order MMacnemara Cl lo ho.	On Behalf of the Right Honourable the Lord Propry of this Province I Will this be a Law Hor.o Sharpe the Great Seal in Wax append.t	20.th Dec.r 1765 Read & assented to by the Upper House of Assembly Signed by Order UScot Cl. Up. Ho.

No. 39 Ex.d An Act to enable the Commissioners or Trustees of the Loan Office to purcahse Stationary Ware necessary for the Use of the Upper and Lower Houses of Assembly

[Commissioners to send for Stationery for the use of the Province] Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that the Commissioners or Trustees of the Loan Office for the Time being shall and they are hereby impowered out of the first Bills of Exchange that shall be in their Hands belonging to the Public of this Province to remit to some Merchant in London the Sum of twenty five Pounds Sterling with Orders to lay out the same (deducting Commission & Charges) in one Record Book and such Parchment Paper Ink Powder and Quills as the said Commissioners or Trustees shall direct any Law to the Contrary notwithstanding which said stationary Ware shall be purchased and shipped on the Risque of the Public of this Province and shall on it's Arrival be to and for the Use of the Upper and Lower Houses of Assembly to be by them expended in the Publick Business

20.th Dec.r 1765 By the Lower House of Assembly read and assented to Signed ꝑ Order MMacnemara Cl lo ho	On Behalf of the Right Honble the Lord Propry of this Province I Will this be a Law Hor:o Sharpe The Great Seal in Wax append.t	20.th Dec.r 1765 read & assented to by the Upper House of Assembly Signed ꝑ Order UScott: Cl. Up. ho.

p. 591 I do hereby Certify that Reverdy Ghiselin Clerk of the Provincial Court and Secretary's Office of the Province of Maryland this Day personally appeared before Me the Subscriber One of the Right Honourable the Lord Proprietary of the Province of Maryland his Council of State and made Oath on the Holy Evangels of Almighty God that he carefully examined all the Laws contained in this Book from folio 532 to folio 590 with the Original Acts that passed the Great Seal. Liber H. S. No. 1

Sworn to this 6th Day of May Anno Dom̄. 1766

Henry Hooper

SEAL The Seal of the Provincial Court is hereto affixed of Daniel Dulany Esquire Deputy Secretary of Maryland

ꝑ Reverdy Ghiselin Clk Prov. Cur & Secy's Office

APPENDIX

APPENDIX

I

MARYLAND AND THE STAMP ACT CONGRESS

[BECAUSE IT CONTAINS HISTORICAL MATERIAL UNAVAILABLE ELSEWHERE THERE IS HERE REPRINTED IN FULL A VERY RARE MARYLAND STAMP ACT PAMPHLET OF WHICH ONLY TWO COPIES ARE KNOWN TO EXIST, ONE IN THE MARYLAND HISTORICAL SOCIETY AND ONE IN THE LIBRARY OF CONGRESS. THE ORIGINAL PUBLICATION OF THIS PAMPHLET WAS ANNOUNCED IN THE MARYLAND GAZETTE OF ANNAPOLIS FOR SEPTEMBER 11, 1766, UNDER THE TITLE: PROCEEDINGS| OF THE CONGRESS| AT| NEW YORK| [COLOPHEN] ANNAPOLIS| PRINTED BY JONAS GREEN, PRINTER TO THE PROVINCE. MDCCLXVI|. AS FAR AS IS KNOWN IS HAS NEVER BEFORE BEEN REPRINTED, NOR ARE CERTAIN OF THE ACTIONS OF THE THREE MARYLAND REPRESENTATIVES TO THE CONGRESS WHICH ARE RECORDED HERE, TO BE FOUND ELSEWHERE, EXCEPT IN THE MANUSCRIPT JOURNAL OF THE LOWER HOUSE FOR THE MAY, 1766, SESSION, WHICH HAS AS YET NOT APPEARED IN PRINT; THESE ARE THE LETTER TO CHARLES GARTH AND THE EXPENSE ACCOUNTS OF THE MARYLAND REPRESENTATIVES (PP. 93-94, 353-356.)]

PROCEEDINGS OF THE CONGRESS AT NEW-YORK

Boston, June 1765.

Contemporary Printed Pamphlet Md.Hist.Soc. p. 1

Sir,

The House of Representatives of this Province, in the present Session of the General Court, have unanimously agreed to propose a Meeting, as soon as may be, of Committees, from the Houses of Representatives or Burgesses of the several British Colonies on this Continent, to consult together on the present Circumstances of the Colonies, and the Difficulties to which they are, and must be reduced, by the Operation of the Acts of Parliament for levying Duties and Taxes on the Colonies; and to consider of a general, and united, dutiful, loyal and humble Representation of their Condition, to his Majesty and the Parliament, and to implore Relief. The House of Representatives of this Province, have also Voted to propose, That such Meeting be at the City of New-York, in the Province of New-York, on the first Tuesday in October next; and have appointed a Committee of Three of their Members, to attend that Service, with such as the other Houses of Representatives, or Burgesses, in the several Colonies, may think fit to appoint to meet them. And the

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Committee of the House of Representatives of this Province, are directed to repair to said New-York, on said first Tuesday in October next, accordingly.

p. 2 If therefore, your Honourable House should agree to this Proposal, it would be acceptable, that as early Notice of it as possible, might be transmitted to the Speaker of the House of Representatives of this Province.

Samuel White, Speaker.

In Consequence of the foregoing circular Letter, the following Gentlemen met at New-York, in the Province of New-York, on Monday the Seventh Day of October 1765, viz.

From the Province of the Massachusetts-Bay,

James Otis,
Oliver Patridge,
Timothy Ruggles, } Esquires.

Who produced their Appointment as follows, viz.

To James Otis, Oliver Patridge, and Timothy Ruggles, Esquires.

Gentlemen,

The House of Representatives of this Province, have appointed you a Committee, to meet at New-York, on the first Tuesday of October next, such Committees as the other Houses of Representatives, or Burgesses, in the several Colonies on this Continent may think fit to appoint, to consult together, on the present Circumstances of the Colonies, and the Difficulties to which they are, and must be reduced, by the Operation of the late Acts of Parliament. By this Choice, the House has reposed in you a Trust of singular Importance, and has just Reason to expect you will give your utmost Attention to it. In case you should receive Advice that the Houses of Representatives or Burgesses of the other Colonies, or any of them, agree to send Committees to join you in this Interesting Affair, you are directed to repair to New-York, at the Time appointed, and endeavour to unite with them in Sentiment, and agree upon such Representations as may tend to preserve our Rights and Privileges; and it is the Opinion of this House, that no Address or Representation, shall be esteemed the Act of this House, unless it is agreed to, and signed by the major Part of their Committee.

If it should be said that we are in any Manner represented in Parliament, you must by no Means concede to it, as it is an Opinion, which this House cannot see the least Reason to adopt; further, the House think that such a Representation of the Colonies, as British Subjects are entitled to, and enjoy, would be attended with the greatest Difficulty, if it is not absolutely impracticable, and therefore you are not to urge or consent to any Proposal for a Representation, if such be made in the Congress.

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It is the Expectation of the House, that a most loyal and dutiful Address to his Majesty and his Parliament will be prepared by the Congress, praying as well for the Removal of the Grievances the Colonies labour under at present, as for the preventing Others for the future, which Petitions, if drawn up, as far as you shall be able to Judge agreeable to the Mind of this House, you are impowered to sign and forward, and you are to lay a Copy of the same before this House, and make Report of your Proceedings upon your Return.

It is the hearty Prayer of this House, that the Congress may be endued with that Wisdom, which is from above; and that their Councils and Determinations may be attended with the Divine Blessing.

Samuel White, Speaker.

From the Colony of Rhode-Island, and Providence Plantations,

Metcalf Bowler, } Esquires.
Henry Ward, }

Who produced the following Appointment, viz.

{L. S.} By the Honourable Samuel Ward, Esq; Governor, Captain-General, and Commander in Chief, of, and over the English Colony of Rhode-Island and Providence Plantation, in New-England, in America.

To Metcalf Bowler, and Henry Ward, Esquires. Greeting.

Whereas the General Assembly of this Colony, have nominated and appointed you, the said Metcalf Bowler, and Henry Ward, to be Commissioners in behalf of this Colony, to meet such Commissioners as are or shall be appointed, by the other British Governments in North-America, to meet at New-York, on the first Tuesday of October next:

I do therefore hereby Authorize, impower, and Commissionate you, the said Metcalf Bowler and Henry Ward, forthwith to repair to New-York, and there, in behalf of this Colony, to meet and join with the other Commissioners, in consulting together on the present Circumstances of the Colonies, and the Difficulties to which they are, and must be reduced, by the Operation of the Act of Parliament, for levying Duties and Taxes upon the Colonies, and to consider of a general, and united, dutiful, loyal, and humble Representation to his Majesty and the Parliament, and to implore Relief. And you are also hereby impowered to conclude and agree with the other Commissioners, upon such Measures as you shall think necessary and proper, for obtaining Redress of the Grievances of the Colonies, agreeable to the Instructions given you by the General Assembly of this Colony. Given under my Hand, and the Seal of the said

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Colony, this Sixteenth Day of September, 1765, and in the Fifth Year of his Majesty's Reign.

Samuel Ward.

By his Honour's Command.
Henry Ward, Sec.y

p. 4

From the Colony of Connecticut,

Eliphalet Dyer,
David Rowland,
William Samuel Johnson, } Esquires.

Who produced the following Appointment, viz.

At a General Assembly of the Governor and Company of the Colony of Connecticut, holden at Hartford, (by Special Order of his Honour the Governor, of said Colony) on the 19th Day of September, Anno Domini 1765.

Whereas it has been proposed, that a Congress be attended by Commissioners from the several Governments on this Continent, to confer upon a general, and united, humble, loyal, and dutiful Representation to his Majesty and the Parliament, of the present Circumstances of the Colonies, and the Difficulties to which they are, and must be reduced, by the Operation of the Acts of Parliament, for laying Duties and Taxes on the Colonies, and to implore Relief, &c.

Resolved by this Assembly, that Eliphalet Dyer, William Samuel Johnson, and David Rowland, Esquires, or any Two of them, be, and hereby are appointed Commissioners on behalf of this Colony, to repair to New-York, to attend the proposed Congress in the Matters above referred to, and his Honour is hereby desired to Commissionate them accordingly.

A true Copy, Examined by
George Wyllys, Secr.y

At a General Assembly of the Governor and Company of the Colony of Connecticut, holden at Hartford, (by Special Order of his Honour the Governor, of said Colony) on the 19th Day of September, Anno Domini 1765.

Instructions to the Commissioners of this Colony, appointed to meet Commissioners from the other Colonies, at New-York, on the first Tuesday of October next.

Gentlemen,

You are to repair to the said City of New-York, at said Time, or at the Time which according to the Intelligence you may receive of the Convening of the other Commissioners, it may appear to you seasonable and best, to consult together with them on the present Circumstances of the Colonies, and the Difficulties to which they are,

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and must be reduced, by the Operation of the Acts of Parliament for laying Duties and Taxes on the Colonies, and to consider of, and propose, a general, and united, dutiful, loyal, and humble Representation of their Condition, to his Majesty and the Parliament, and to implore Relief.

In Your Proceedings you are to take Care, that you form so much Junction with the other Commissioners, as will subject you to the major Vote of the Commissioners present.

p. 5 You are to inform the Governor and General Assembly, at the Session in October next, of all such Proceedings as shall appear to you needful and convenient, to be communicated for Consideration, and to observe all such further Instructions as you may receive.

And you are to Report your Doings, with the Doings of the Commissioners, at such Meeting, to the General Assembly of this Colony, for Acceptance and Approbation.

A true Copy, Examined by
George Wyllys, Secr.^{y}

L. S.

Thomas Fitch, Esq; Governor, Commander in Chief of his Majesty's Colony of Connecticut, in New-England, in America.

To Eliphalet Dyer, David Rowland, and William Samuel Johnson, Esquires. Greeting.

Whereas the General Assembly of the said Colony of Connecticut, at their Sessions holden at Hartford, on the Nineteenth Day of this Instant September, nominated and appointed you, or any Two of you, to be Commissioners on behalf of this Colony, to repair to New-York, to attend a Congress, proposed to be held there by Commissioners from the several Governments on this Continent, to confer upon a general and united, humble, loyal, and dutiful Representation to his Majesty and the Parliament, of the present Circumstances of the Colonies, and the Difficulties to which they are, and must be reduced, by the Operation of the Acts of Parliament for levying Duties and Taxes on the Colonies, and to implore Relief, &c. and have desired me to Commission you accordingly.

I do therefore, reposing especial Trust and Confidence in your Loyalty, Ability, and good Conduct, hereby Constitute, authorize, and Commission you, the said Eliphalet Dyer, David Rowland, and William Samuel Johnson, Esquires, or any Two of you, for and on Behalf of this Colony, to repair to the said City of New-York, on the first Day of October next, or at the Time, which according to the Intelligence you may receive of the Convening of the other Commissioners, may appear to you seasonable and best, to confer and consult with them, or such of them as shall be present, upon and concerning the Matters and Things before mentioned, for the Purposes aforesaid, wherein you are to observe such Instructions as you have received, or shall further receive from the General Assembly

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of the said Colony of Connecticut, agreeable to the important Trust reposed in you.

Given under my Hand, and the Public Seal of the said Colony of Connecticut, within the same, the Twenty-first Day of September, in the Fifth Year of the Reign of our Sovereign Lord George the Third, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. Annoque Domini One Thousand Seven Hundred and Sixty-five.

Thomas Fitch.

By his Honour's Command.

George Wyllys, Secr.^{y}

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From the Colony of New-York,

Robert R. Livingston,
John Cruger,
Philip Livingston,
William Byard,
Leonard Lispenard,
Esquires,

appeared, and informed the Congress, That since the Receipt of the above Letter from the Speaker of the House of Representatives of MassachusettsBay, the General Assembly of New-York have not had an Opportunity of Meeting, but that they confidently expect from the general Sense of the People, and such of the Representatives as they have had an Opportunity of speaking to, that when the Assembly does meet (which will probably be very soon) the Congress will be Approved, and a regular Committee for the Purpose appointed: In the mean Time they think themselves in some Measure authorized to meet the Congress, by the following Votes, viz.

Extract from the Votes and Proceedings of the General Assembly, for the Colony of New-York.

Die Sabbati, 9h. A. M. the 4th April 1761.

Mr. Speaker represented to this House, that his Situation in the Country render'd it vastly inconvenient to him alone, to correspond with the Agent of this Colony at the Court of Great-Britain, and more especially so during the Recess of the House.

Ordered, That the Members of the City of New-York, or the major Part of them, be a Committee of Correspondence, to correspond with the Agent of this Colony, at the Court of Great-Britain, during the Recess of the House, concerning the Public Affairs of this Colony, and that they lay before the House, Copies of all such Letters as they may write to him, and also all such Letters and Advices as they may receive from him, respecting the same.

Die Jovis, 9h. A. M. the 9th December 1762.

Alderman Livingston from the Committee appointed to correspond with the Agent of this Colony, at the Court of Great-Britain, acquainted the House, that the Committee conceived it expedient, that one or more Members should be added to the said Committee, to correspond with the said Agent, about the Affairs of this Colony.

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Ordered, That Robert R Livingston, Esq; be added to, and made one of the said Committee of Correspondence.

Die Jovis, 9h. A. M. the 18th October 1764.

Ordered, That the said Committee appointed to correspond with the said Agent, be also a Committee during the Recess of the House, to write to, and correspond with, the several Assemblies, or Committees of Assemblies on this Continent, on the subject Matter of the Act, commonly called the Sugar Act, of the Act restraining Paper Bills of Credit in the Colonies from being a legal Tender, and of the several other Acts of Parliament lately passed, with Relation to the Trade of the Northern Colonies; and also on the Subject of the impending Dangers, which threaten the Colonies of being taxed by Laws to be passed in Great-Britain. p. 7

Extracted from, Compared and Examined wth, the Records of the Proceedings of the General Assembly for the Colony of New-York, by

Abraham Lott, Clerk.

From the Colony of New-Jersey,

Robert Ogden,
Hendrick Fisher, } Esquires.
Joseph Borden,

Who produced the following Appointment, viz.

At a Meeting of a large Number of the Representatives of the Colony of New-Jersey, at the House of Robert Sprowl, October the 3d. 1765,

At the Desire of the Speaker of the House of Representatives as aforesaid, and at the earnest Request of many of our Constituents, to consider of some Method for humbly, loyally, and dutifully joining in a Petition to his Majesty, that he would be graciously pleased to recommend it to the Parliament of Great-Britain, to redress our Grievances, by repealing several of the late Acts of Parliament affecting the Northern Colonies, particularly that called the Stamp-Act;

Robert Ogden, Esq; Hendrick Fisher, Esq; and Joseph Borden, Esq; were desired to attend at the Congress, now met at New-York, and join in the Measures there to be concluded on for the Purposes aforesaid, and to make Report of their Proceedings therein, at the next Meeting of General Assembly.

Signed by Order,
John Lawrance.

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From the Province of Pennsylvania.

John Dickenson,
John Morton,
George Bryan, } Esquires.

Who produced the following Appointment in Assembly, September 11th. 1765. A. M.

The House resumed the Consideration of their Resolution of Yesterday, to appoint a Committee of Three or more of their Members, to attend the General Congress of Committees, from the several Assemblies on this Continent, to be held at New-York, on the first of October next: And after some Time spent therein,

p. 8 Resolved, That Mr. Speaker, Mr. Dickenson, Mr. Bryan, and Mr. Morton, be, and they are hereby nominated and appointed to that Service.

A true Extract from the Journals,
Charles Moore, Clerk of Assembly.

Extracts from the Journals of the House of Representatives for the Province of Pennsylvania.

Wednesday, September 11th 1765, A. M.

The Committee appointed to prepare Instructions for the Deputies nominated by this House to attend the proposed Congress, at New-York, on the first of next Month, reported an Essay for that Purpose, which they presented to the Chair, and the same being read and agreed to by the House, follows in these Words, viz.

"Instructions to the Committee appointed to meet the Committees of the other British Continental Colonies at New-York.

"It is Directed by the House, That you shall, with the Committees that have been, or shall be appointed by the several British Colonies on this Continent, to meet at New-York, consult together on the present Circumstances of the Colonies, and the Difficulties they are, and must be reduced to, by the late Acts of Parliament for levying Duties and Taxes upon them, and join with the said Committees, in loyal and dutiful Addresses to the King and the Two Houses of Parliament, humbly representing the Condition of these Colonies, and imploring Relief, by a Repeal of the said Acts; and you are strictly required to take Care, that such Addresses in which you join, are drawn up in the most decent and respectful Terms, so as to avoid every Expression that can give the least occasion of Offence to his Majesty, or to either House of Parliament.

You are also directed to make a Report of your Proceedings herein to the succeeding Assembly.

"A true Extract from the Journals, September 26th 1765.
"Charles Moore, Clerk of Assembly."

From the Government of the Counties of New-Castle, Kent, and Sussex, on Delaware,

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Cæsar Rodney, }
Thomas M'Kean, } Esquires.

Whose Appointments are as follows, viz.

Cæsar Rodney, and Thomas M'Kean, Esquires, appeared from the Government of the Counties of New-Castle, Kent, and Sussex, upon Delaware, and inform'd this Congress, That the Representatives of the said Government, could not meet in General Assembly after the above Letter was wrote, and before the first Day of this Instant, that the said Assembly consists of only Eighteen Members, Fifteen of whom have appointed the other Three to attend here, &c. by Three several Instruments of Writing which are in these Words, viz.

To all to whom these Present shall come. p. 9

Know Ye, That we the Subscribers, Five of the Representatives of the Freemen of the Government of the Counties of New-Castle, Kent, and Sussex, upon Delaware, sensible of the weighty and oppressive Taxes imposed upon the good People of this Government, by divers late Acts of Parliament, and of the great Infringement of the Liberties and just and established Rights of all his Majesty's Colonies on this Continent, occasioned by the late Measures in England, and being of Opinion, that the Method proposed by the Honourable House of Assembly of the Province of Massachusetts-Bay, is the most likely to obtain a Redress of these Grievances; and taking into Consideration the Misfortune we at present labour under, in not having it in our Power to convene as a House, and in a regular Manner to appoint a Committee; yet zealous for the Happiness of our Constituents, think it our Duty in this Way to serve them, as much as in us lies, (assured of the hearty Approbation of any future House of Assembly of this Government) and therefore do hereby Nominate and Appoint Jacob Kollock, Thomas M'Kean, and Cæsar Rodney, Esquires, Three of the Representatives of the same Government, a Committee, to repair to the City of New-York, on the First Day of October next, and there to join with the Committees sent by the other Provinces, in One united and loyal Petition to his Majesty, and Remonstrance to the Honourable House of Commons of Great-Britain, against the aforesaid Acts of Parliament, therein dutifully, yet most firmly, asserting the Colonies Right of Exclusion from Parliamentary Taxation, and praying that they may not in any Instance, be stripped of the antient and most valuable Privilege of a Trial by their Peers, and most humbly imploring Relief.

In Testimony whereof we have hereunto set our Hands, at New-Castle, the Twenty-first Day of September, Annoque Domini 1765.

Evan Rice,
Thomas Cooch,
William Armstrong,
George Monro,
John Evans.

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Kent County, } to wit. } We whose Names are hereunder written, Members of the General Assembly of the Government of the Counties of New-Castle, Kent, and Sussex, upon Delaware, for the said County of Kent, tho' sensible of the Impropriety of assuming the Functions of the Assembly-Men, during the Recess of our House, yet zealous to concur in any Measure which may be productive of Advantage to this Government, and the other British Colonies on the Continent of America, in general, have Appointed, and as much as in us lies do Appoint, Jacob Kollock, Esq; Cæsar Rodney, Esq; and Thomas M'Kean, Esq; Members of said Assembly, to be a Committee, to meet with the other Committees already appointed, or to be appointed, by the several and respective Assemblies of the said other Colonies, at the City of New-York, on the First Tuesday in October next, in Conjunction with the said other Committees, to consider of the present distressful Circumstances of the p. 10 said Colonies, occasioned in some Measure, as we apprehend, by several late Acts of Parliament, and to join with them in an humble Address to his most Gracious Majesty and the Parliament of Great-Britain, for Redress of our Grievances, or in any other expedient that shall be agreed on by the said Committees, which may tend to promote the Utility and Welfare of the British Dominions in America.

September 13th 1765.

John Vining,
John Caton,
John Barnes,
William Killen,
Vincent Lockerman.

Sussex County, } to wit. } We whose Names are hereunder written, Members of the General Assembly of the Government of the Counties of New-Castle, Kent, and Sussex, upon Delaware, for the said County of Sussex, tho' sensible of the Impropriety of assuming the Functions of Assembly-Men, during the Recess of our House, yet zealous to concur in any Measure which may be productive of Advantage to this Government, and the other British Colonies on the Continent of America, in general, have Appointed, and as much as in us lies do Appoint, Jacob Kollock, Esq; Cæsar Rodney, Esq; and Thomas M'Kean, Esq; Members of the said Assembly, to be a Committee, to meet with the other Committees already appointed, or to be appointed, by the several and respective Assemblies of the said other Colonies, at the City of New-York, on the First Tuesday in October, next, in Conjunction with the said other Committees, to consider of the present distressful Circumstances of the said Colonies, occasioned in some Measure, as we apprehend, by several late Acts of Parliament, and to join with them, in an humble Address to his most Gracious Majesty and the Parliament of Great-Britain, for Redress of our Grievances, or in any other Expedient that shall be agreed on by the said Committees, which may tend to promote the Utility and Welfare of the British Dominions in America.

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September 17th 1765.

David Hall,
Benjamin Burton,
Levin Crapper,
Thomas Robinson,
Jacob Kollock, junr.

From the Province of Maryland,

William Murdock,
Edward Tilghman,
Thomas Ringgold,
} Esquires.

Instructions from the Honourable the Lower House of Assembly, of the Province of Maryland, to William Murdock, Edward Tilghman, and Thomas Ringgold, Esquires, a Committee appointed to join the several Committees, from the several Colonies in America, at New-York.

p. 11

Gentlemen,

You are to repair immediately to the City of New-York, in the Province of New-York, and there join with the Committees from the Houses of Representatives of the other Colonies, in a general and united, dutiful, loyal, and humble Representation to his Majesty, and the British Parliament, of the Circumstances and Condition of the British Colonies and Plantations, and to pray Relief from the Burthens and Restraints lately laid on their Trade and Commerce, and especially from the Taxes imposed by an Act of the last Sessions of Parliament, granting and applying certain Stamp Duties, and other Duties, in the British Colonies and Plantations in America, whereby they are deprived, in some Instances, of that invaluable Privilege of Englishmen, and British Subjects, Trials by Juries. That you take Care that such Representation shall, humbly and decently, but expressly, contain an Assertion of the Rights of the Colonists, to be exempt from all and every Taxations and Impositions upon their Persons and Properties, to which they do not consent in a Legislative Way, either by themselves or their Representatives, by them freely chosen and appointed.

Signed by Order of the House,
Robert Lloyd, Speaker.

From the Province of South-Carolina,

Thomas Lynch,
Christopher Gadsden,
John Rutledge,
} Esquires.

Who produced the following Appointment.

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Thursday, July 25, 1765.

The House (according to Order) took into Consideration, the Letter from the Speaker of the House of Representatives of the Massachusetts-Bay, laid before them on Friday last, and a Debate arising thereon, and some Time spent therein, Ordered, That the said Letter be referr'd to a Committee of the following Gentlemen, viz. Capt. Gadsden, Mr. Wright, Mr. Galliard, Mr. Wragg, Mr. Parsons, Mr. Pinckney, Col. Laurence, Mr. Rutledge, Mr. Manigault, Mr. Drayton.

Friday, July 26, 1765.

Capt. Gadsden Reported from the Committee appointed to consider of the Letter sent from the Speaker of the House of Representatives, of the Province of the Massachusetts-Bay, to the Speaker of this House, and to report their Opinion thereupon, of the Expediency and Utility of the Measures therein proposed, and the best Means to effect the Relief therein mentioned:

That they are of Opinion, the Measure therein proposed, is prudent and necessary, and therefore recommend to the House, to send a Committee, to meet the Committees from the Houses of Representatives, or Burgesses, of the several British Colonies on this Continent, at New-York, the First Tuesday in October next.

p. 12 That the said Committee be ordered to consult there, with those other Committees, on the present Circumstances of the Colonies, and the Difficulties which they are, and must be reduced to, by the Operation of the Acts of Parliament, for levying Duties and Taxes on the Colonies, and to consider of a general, united, dutiful, loyal, and humble Representation of their Condition, to his Majesty and the Parliament, and to implore Relief.

That the Result of their Consultation, shall, at their Return, be immediately laid before the House, to be confirm'd or not, as the House may think proper.

And the said Report being delivered in at the Clerk's Table, and Read a second Time, the Question was severally put, That the House do agree to the First, Second, and Third Paragraphs of the said Report. It was Resolved in the Affirmative.

Friday, August 2, 1765.

Motion being made, Resolved, That this House will provide a Sum sufficient to defray the Charges and Expences of a Committee of Three Gentlemen, on Account of their going to, continuing at, and returning from, the Meeting of the several Committees proposed to assemble at New-York, on the First Tuesday in October next, to consult there with those other Committees, on the present Circumstances of the Colonies, and the Difficulties which they are, and must be reduced to, by the Operation of the Acts of Parliament, for levying Duties and Taxes on the Colonies, and to consider of a general, united, loyal, dutiful, and humble Representation of their Condition to his Majesty and the Parliament, and to implore Relief.

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Ordered, That the Public Treasurer do advance out of any Monies in his Hands, to the said Committee, a Sum not exceeding Six Hundred Pounds Sterling, for the Purposes aforesaid.

Resolved, That this House will reimburse the Treasurer the said Sum.

Ordered, That the following Gentlemen be appointed a Committee, for the Purposes aforesaid, viz.

Mr. Thomas Lynch, Mr. Christopher Gadsden, Mr. John Rutledge.

Thursday, August 8, 1765.

Ordered, That the Speaker do inform Thomas Lynch, Christopher Gadsden, and John Rutledge, Esquires, that they are appointed a Committee, to meet the Committees of the several other Colonies on this Continent, on the first Tuesday in October next, at New-York, and that he do acquaint them, it is the desire of the House, that they repair to New-York, on the said First Tuesday in October next, for the Purposes mentioned in the Report of the Committee, as agreed to by this House, on Friday the 26th Day of July last.

Ordered, That Three Copies of the Proceedings of this House, p. 13 relative to the said Matter, be made out, and Signed by the Speaker, and that he deliver One of the said Copies to each of the said Gentlemen.

Raw. Lowndes, Speaker.

* * *

[Monday, October 7, 1765]

Then the said Committees proceeded to chuse a Chairman by Ballot, and Timothy Ruggles, Esq; on sorting and counting the Votes, appeared to have a Majority, and thereupon was placed in the Chair.

Resolved, Nemine Contradicente, That Mr. John Cotton be Clerk to this Congress, during the Continuance thereof.

Then the Congress took into Consideration the several Appointments of the Committees from New-York, New-Jersey, and the Government of the Lower Counties on Delaware, and

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Resolved, Nemine Contradicente, That the same are sufficient to qualify the Gentlemen therein named, to sit in this Congress.

Resolved also, That the Committee of each Colony, shall have One Voice only, in determining any Questions that shall arise in this Congress.

Then the Congress Adjourned till To-Morrow Morning at IX o'Clock.

Tuesday, October 8, 1765, A. M.

The Congress met according to Adjournment.

Upon Motion, Voted, That the Provinces be called every Morning at the Time that it is Adjourned to.

Voted, That Mr. Justice Livingston, Mr. M'Kean, and Mr. Rutledge, be a Committee to inspect the Proceedings and Minutes, and Correct the same.

Then the Congress took into Consideration the Rights and Privileges of the British American Colonists, with the several Inconveniencies and Hardships to which they are, and must be subjected, by the Operation of several late Acts of Parliament, particularly the Act called the Stamp-Act; and after some Time spent therein, the same was postponed for further Consideration.

Then the Congress Adjourned to To-Morrow XI o'Clock.

Wednesday, October 9, 1765, A. M.

Then the Congress met according to Adjournment.

The Congress resumed the Consideration of the Rights and Privileges of the British American Colonists, &c. the same was referr'd after sundry Debates, for further Consideration.

Then the Congress Adjourned until To-Morrow Morning XI o'Clock.

p. 14 Thursday, October 10, 1765, A. M.

The Congress met according to Adjournment, and Resumed, &c. as Yesterday,

And then Adjourned to X o'Clock To-Morrow Morning.

Friday, October 11, 1765, A. M.

The Congress met according to Adjournment, and Resumed, &c. as Yesterday.

And then Adjourned to X o'clock To-Morrow Morning.

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Saturday, October 12, 1765, A. M.

The Congress met according to Adjournment, and Resumed, &c. as Yesterday,

And then Adjourned to Monday Morning next X o'Clock.

Monday, October 14, 1765, A. M.

The Congress met according to Adjournment, and Resumed, &c. as on Saturday last,

And then Adjourned to To-Morrow Morning IX o'Clock.

Tuesday, October 15, 1765, A. M.

The Congress met according to Adjournment, and Resumed, &c. as Yesterday.

And then Adjourned to To-Morrow Morning IX o'Clock.

Wednesday, October 16, 1765, A. M.

The Congress met according to Adjournment, and Resumed, &c. as Yesterday,

And then Adjourned to To-Morrow Morning IX o'Clock.

Thursday, October 17, 1765, A. M.

The Congress met according to Adjournment, and Resumed, &c. as Yesterday,

And then Adjourned to To-Morrow Morning IX o'Clock.

Friday, October 18, 1765, A. M. p. 15

The Congress met according to Adjournment, and Resumed, &c. as Yesterday,

Adjourned to To-Morrow Morning IX o'Clock.

Saturday, October 19, 1765, A. M.

The Congress met according to Adjournment, and Resumed, &c. as Yesterday. And upon mature Deliberation, agreed to the following Declarations of the Rights and Grievances of the Colonists, in America, which were Ordered to be inserted.

The Members of this Congress, sincerely devoted, with the warmest Sentiments of Affection and Duty to his Majesty's Person and

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Government, inviolably attached to the present happy Establishment of the Protestant Succession, and with Minds deeply impressed by a Sense of the present and impending Misfortunes of the British Colonies on this Continent; having considered as maturely as Time will permit, the Circumstances of the said Colonies, esteem it our indispensable Duty, to make the following Declarations of our humble Opinion, respecting the most Essential Rights and Liberties of the Colonists, and of the Grievances under which they labour by Reason of several late Acts of Parliament.

I. That his Majesty's Subjects in these Colonies, owe the same Allegiance to the Crown of Great-Britain, that is owing from his Subjects born within the Realm, and all due Subordination to that August Body the Parliament of Great-Britain.

II. That his Majesty's Liege Subjects in these Colonies, are entitled to all the inherent Rights and Liberties of his Natural born Subjects, within the Kingdom of Great-Britain.

II. That it is inseparably essential to the Freedom of a People, and the undoubted Right of Englishmen, that no Taxes be imposed on them, but with their own Consent, given personally, or by their Representatives.

IV. That the People of these Colonies are not, and from their local Circumstances cannot be, Represented in the House of Commons in Great-Britain.

V. That the only Representatives of the People of these Colonies, are Persons chosen therein by themselves, and that no Taxes ever have been, or can be Constitutionally imposed on them, but by their respective Legislature.

VI. That all Supplies to the Crown, being free Gifts of the People, it is unreasonable and inconsistent with the Principles and Spirit of the British Constitution, for the People of Great-Britain, to grant to his Majesty the Property of the Colonists.

VII. That Trial by Jury, is the inherent and invaluable Right of every British Subject in these Colonies.

p. 16 VIII. That the late Act of Parliament, entitled, An Act for granting and applying certain Stamp Duties, and other Duties, in the British Colonies and Plantations in America, &c. by imposing Taxes on the Inhabitants of these Colonies, and the said Act, and several other Acts, by extending the Jurisdiction of the Courts of Admiralty beyond its ancient Limits, have a manifest Tendency to subvert the Rights and Liberties of the Colonists.

IX. That the Duties imposed by several late Acts of Parliament, from the peculiar Circumstances of these Colonies, will be extremely Burthensome and Grievous; and from the scarcity of Specie, the Payment of them absolutely impracticable.

X. That as the Profits of the Trade of these Colonies ultimately center in Great-Britain, to pay for the Manufactures which they are obliged to take from thence, they eventually contribute very largely to all Supplies granted there to the Crown.

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XI. That the Restrictions imposed by several late Acts of Parliament, on the Trade of these Colonies, will render them unable to purchase the Manufactures of Great-Britain.

XII. That the Increase, Prosperity, and Happiness of these Colonies, depend on the full and free Enjoyment of their Rights and Liberties, and an Intercourse with Great-Britain mutually Affectionate and Advantageous.

XIII. That it is the Right of the British Subjects in these Colonies, to Petition the King, or either House of Parliament.

Lastly, That it is the indispensable Duty of these Colonies, to the best of Sovereigns, to the Mother Country, and to themselves, to endeavour by a loyal and dutiful Address to his Majesty, and humble Applications to both Houses of Parliament, to procure the Repeal of the Act for granting and applying certain Stamp Duties, of all Clauses of any other Acts of Parliament, whereby the Jurisdiction of the Admiralty is extended as aforesaid, and of the other late Acts for the Restriction of American Commerce.

Upon motion, Voted, That Robert R. Livingston, William Samuel Johnson, and William Murdock, Esquires, be a Committee to prepare an Address to his Majesty, and lay the same before the Congress on Monday next.

Voted also, That John Rutledge, Edward Tilghman, and Philip Livingston, Esquires, be a Committee to prepare a Memorial and Petition to the Lords in Parliament, and lay the same before the Congress on Monday next.

Voted also, That Thomas Lynch, James Otis, and Thomas M'Kean, Esquires, be a Committee to prepare a Petition to the House of Commons of Great-Britain and lay the same before the Congress on Monday next.

Then the Congress Adjourned to Monday next at XII o'Clock.

Monday, October 21, 1765, A. M.

p 17

The Congress met according to Adjournment.

The Committee appointed to prepare and bring in an Address to his Majesty, did Report, That they had essayed a Draught for that Purpose, which they laid on the Table, and humbly submitted to the Correction of the Congress.

The said Address was Read, and after sundry Amendments, the same was approved of by the Congress, and ordered to be Ingrossed.

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The Committee appointed to prepare and bring in a Memorial and Petition to the Lords in Parliament, did Report, That they had essayed a Draught for that Purpose, which they laid on the Table, and humbly submitted to the Correction of the Congress.

The said Address was Read, and after sundry Amendments, the same was approved of by the Congress, and ordered to be Ingrossed.

The Committee appointed to prepare and bring in a Petition to the House of Commons of Great-Britain, did Report, That they had essayed a Draught for that Purpose, which they laid on the Table, and humbly submitted to the Correction of the Congress.

The said Address was Read, and after sundry Amendments, the same was approved of by the Congress, and ordered to be Ingrossed.

The Congress Adjourn to To-Morrow Morning IX o'Clock.

Tuesday, October 22, 1765, A. M.

The Congress met according to Adjournment.

The Address to his Majesty being Ingrossed, was Read and Compared, and is as follows, viz.

To the King's most Excellent Majesty.

The Petition of the Freeholders and other Inhabitants of the Massachusetts-Bay, Rhode-Island, and Providence Plantations,
, , New-Jersey, Pennsylvania, the Government of the Counties of New-Castle, Kent, and Sussex, upon Delaware, Province of Maryland,

Most humbly Sheweth,

That the Inhabitants of these Colonies, Unanimously devoted with the warmest Sentiments of Duty and Affection to your Majesty's Sacred Person and Government, Inviolably attached to the present Happy Establishment of the Protestant Succession in your Illustrious House, and deeply sensible of your Royal Attention to p. 18 their Prosperity and Happiness, humbly beg Leave to approach the Throne, by representing to your Majesty, That these Colonies were Originally Planted by Subjects of the British Crown, who, animated with the Spirit of Liberty, encouraged by your Majesty's Royal Predecessors, and confiding in the Public Faith for the Enjoyment of all the Rights and Liberties essential to Freedom, emigrated from their Native Country to this Continent, and by their successful Perseverance in the midst of innumerable Dangers and Difficulties, together with a Profusion of their Blood and Treasure, have happily added these vast and valuable Dominions to the Empire of Great-Britain. That for the Enjoyment of these Rights and Liberties, several Governments were early formed in the said Colonies, with full Power of Legislation, agreeable to the Principles of the English Constitution.

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That under those Governments, these Liberties, thus vested in their Ancestors, and transmitted to their Posterity, have been exercised and enjoyed, and by the inestimable Blessings thereof (under the Favour of Almighty God), the inhospitable Desarts of America have been converted into Flourishing Countries; Science, Humanity, and the Knowledge of Divine Truths, diffused through Remote Regions of Ignorance, Infidelity, and Barbarism; the Number of British Subjects wonderfully Increased, and the Wealth and Power of Great-Britain proportionably Augmented.

That by Means of these Settlements, and the unparallelled Success of your Majesty's Arms, a Foundation is now laid for rendering the British Empire the most Extensive and Powerful of any Recorded in History. Our Connection with this Empire, we esteem our greatest Happiness and Security, and humbly conceive it may now be so established by your Royal Wisdom, as to endure to the latest Period of Time; This, with most humble Submission to your Majesty, we apprehend will be most effectually Accomplished, by fixing the Pillars thereof on Liberty and Justice, and securing the inherent Rights and Liberties of your Subjects here, upon the Principles of the English Constitution. To this Constitution these two Principles are essential, the Right of your faithful Subjects, freely to grant to your Majesty, such Aids as are required for the Support of your Government over them, and other Public Exigencies, and Trials by their Peers: By the One they are secured from unreasonable Impositions; and by the Other from Arbitrary Decisions of the executive Power.

The Continuation of these Liberties to the Inhabitants of America we ardently Implore, as absolutely necessary to Unite the several Parts of your wide extended Dominions, in that Harmony so Essential to the Preservation and Happiness of the Whole, Protected in these Liberties, the Emoluments Great-Britain receives from us, however great at present, are inconsiderable, compared with those she has the fairest Prospect of acquiring. By this Protection she will for ever secure to herself the Advantage of conveying to all Europe, the Merchandizes which America furnishes, and of Supplying through the same Channel whatever is wanted from thence. Here opens a boundless Source of Wealth and Naval Strength; yet these immense Advantages, by the Abridgment of those invaluable Rights and Liberties, by which our Growth has been Nourished, are in Danger of being for ever Lost; and our subordinate Legislatures, in Effect, rendered useless, by the late Acts of Parliament imposing Duties and Taxes on these Colonies, and extending the Jurisdiction of the Courts of Admiralty here, beyond its antient Limits: Statutes by which your Majesty's Commons in Britain undertake, absolutely to dispose of the Property of their Fellow Subjects in America, without their Consent, and for the p. 19

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enforcing whereof, they are subjected to the Determination of a single Judge in a Court unrestrained by the wise Rules of the Common Law, the Birthright of Englishmen, and the Safeguard of their Persons and Properties.

The invaluable Rights of Taxing ourselves, and Trial by our Peers, of which we implore your Majesty's Protection, are not, we most humbly conceive Unconstitutional; but confirmed by the Great Charter of English Liberty. On the First of these Rights the Honorouble the House of Commons Found their Practice of Originating Money Bills, a Right enjoyed by the Kingdom of Ireland, by the Clergy of England, until relinquished by themselves, a Right, in fine, which all other your Majesty's English Subjects, both within, and without the Realm, have hitherto enjoyed.

With Hearts therefore impressed with the most indelible Characters of Gratitude to your Majesty, and to the Memory of the Kings of your Illustrious House, whose Reigns have been Signally distinguished by their Auspicious Influence on the Prosperity of the British Dominions, and convinced by the most affecting Proofs of your Majesty's Paternal Love to all your People, however distant, and your unceasing and benevolent Desires to promote their Happiness, We most humbly beseech your Majesty, that you will be graciously pleased to take into your Royal Consideration, the Distresses of your faithful Subjects on this Continent, and to lay the same before your Majesty's Parliament, and to afford them such Relief, as in your Royal Wisdom their unhappy Circumstances shall be judged to require.

And your Petitioners as in Duty bound will pray.

The Memorial to the Lords in Parliament, was Read and Compared, and is as follows, viz.

To the Right Honourable the Lords Spiritual and Temporal of Great-Britain in Parliament assembled.

The Memorial of the Freeholders and other Inhabitants of the Massachusetts-Bay, Rhode-Island, and Providence Plantations,
, , New-Jersey, Pennsylvania, the Government of the Counties of New-Castle, Kent, and Sussex, upon Delaware, Province of Maryland,

Most humbly Sheweth,

That his Majesty's Liege Subjects in his American Colonies, tho' they acknowledge a due Subordination to that August Body the p. 20 British Parliament, are entitled, in the Opinion of your Memorialists, to all the inherent Rights and Liberties of the Natives of Great-Britain, and have ever since the Settlement of the said Colonies, exercised those Rights and Liberties, as far as their local Circumstances would permit.

That your Memorialists humbly conceive one of the most essential Rights of these Colonies, which they have ever, till lately, uninterruptedly enjoyed, to be Trial by Jury.

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That your Memorialists also humbly conceive another of these essential Rights to be the Exemption from all Taxes, but such as are imposed on the People by the several Legislatures in these Colonies, which Right also they have, till of late, freely enjoyed.

But your Memorialists humbly beg Leave to represent to your Lordships, That the Act for granting certain Stamp Duties in the British Colonies in America, &c. fills his Majesty's American Subjects with the deepest Concern, as it tends to deprive them of the Two fundamental and invaluable Rights and Liberties above mentioned, and that several other late Acts of Parliament, which extend the Jurisdiction and Powers of Courts of Admiralty in the Plantations, beyond their Limits in Great-Britain, thereby make an unnecessary and unhappy Distinction as to the Modes of Trial, between us and our Fellow Subjects there, by whom we never have been excelled in Duty and Loyalty to our Sovereign.

That from the natural Connection between Great-Britain and America, the perpetual Continuance of which your Memorialists most ardently desire, they conceive that nothing can Conduce more to the Interest of both, than the Colonists free Enjoyment of their Rights and Liberties, and an affectionate Intercourse between Great-Britain and them. But your Memorialists (not waving their Claim to these Rights, of which with the most becoming Veneration and Deference to the Wisdom and Justice of your Lordships, they apprehend they cannot Reasonably be deprived) humbly Represent, That from the peculiar Circumstances of these Colonies, the Duties imposed by the aforesaid Act, and several other late Acts of Parliament, are extremely Grievous and Burthensome, and the Payment of the said Duties will very soon, for want of Specie, become absolutely impracticable; and that the Restrictions on Trade by the said Acts, will not only greatly distress the Colonies, but must be extremely deterimental to the Trade and true Interest of Great-Britain.

Your Memorialists therefore, impressed with a just Sense of the unfortunate Circumstances of the Colonies, and the impending destructive Consequences which must necessarily ensue from the Execution of those Acts, animated with the warmest Sentiments of filial Affection for their Mother Country, most earnestly and humbly entreat, That your Lordships will be pleased to Hear their Counsel in Support of this Memorial, and take the Premisses into your most serious Consideration, and that your Lordships will also be thereupon pleased to pursue such Measures for Restoring the just Rights and Liberties of the Colonies, and preserving them for ever inviolate, for redressing their present, and preventing future Grievances, p. 21
thereby promoting the united Interest of Great-Britain and America,

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as to your Lordships in your great Wisdom shall seem most conducive and Effectual to that important End.

And your Memorialists as in Duty bound will ever pray.

Wednesday, October 23, 1765, A. M.

The Congress met according to Adjournment.

The Petition to the House of Commons being Ingrossed, was Read and Compared, and is as follows, viz.

To the Honourable the Knights, Citizens, and Burgesses of Great-Britain, in Parliament assembled.

The Petition of his Majesty's dutiful and loyal Subjects, the Freeholders and other Inhabitants of the Colonies of the Massachusetts-Bay, Rhode-Island, and Providence Plantations, , , New-Jersey, Pennsylvania, the Government of the Counties of New-Castle, Kent, and Sussex, upon Delaware, Maryland,

Most humbly Sheweth,

That the several late Acts of Parliament imposing divers Duties and Taxes on the Colonies, and laying the Trade and Commerce thereof under very Burthensome Restrictions, but above all the Act for granting and applying certain Stamp Duties, &c. in America, have fill'd them with the deepest Concern and Surprize; and they humbly conceive the Execution of them will be attended with Consequences very Injurious to the Commercial Interest of Great-Britain and her Colonies, and must terminate in the eventual Ruin of the latter.

Your Petitioners therefore most ardently implore the Attention of the Honourable House, to the united and dutiful Representation of their Circumstances, and to their earnest Supplications for Relief, from those Regulations which have already involv'd this Continent in Anxiety, Confusion, and Distress.

We most sincerely recognize our Allegiance to the Crown, and acknowledge all due Subordination to the Parliament of Great-Britain, and shall always retain the most grateful Sense of their Assistance and Protection. It is from and under the English Constitution, we derive all our Civil and Religious Rights and Liberties: We Glory in being Subjects of the best of Kings, and having been Born under the most perfect Form of Government; but it is with most ineffable and humiliating Sorrow, that we find ourselves, of late, deprived of the Right of Granting our own Property for his p. 22 Majesty's Service, to which our Lives and Fortunes are entirely devoted, and to which, on his Royal Requisitions, we have ever been ready to contribute to the unmost of our Abilities.

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We have also the Misfortune to find, that all the Penalties and Forfeitures mentioned in the Stamp Act, and in divers late Acts of Trade extending to the Plantations, are, at the Election of the Informer, Recoverable in any Court of Admiralty in America. This, as the newly erected Court of Admiralty has a general Jurisdiction over all British America, renders his Majesty's Subjects in these Colonies, liable to be carried, at an immense Expence, from one End of the Continent, to the other.

It gives us also great Pain, to see a manifest Distinction made therein, between the Subjects of our Mother Country, and those in the Colonies, in that the like Penalties and Forfeitures recoverable there only in his Majesty's Courts of Record are made cognizable here by a Court of Admiralty: By these Means we seem to be, in Effect, unhappily deprived of Two Privileges essential to Freedom, and which all Englishmen have ever considered as their best Birthrights, that of being free from all Taxes but such as they have consented to in Person, or by their Representatives, and of Trial by their Peers.

Your Petitioners further shew, That the remote Situation, and other Circumstances of the Colonies, render it impracticable that they should be Represented, but in their respective subordinate Legislature; and they humbly conceive, that the Parliament, adhering strictly to the Principles of the Constitution, have never hitherto Tax'd any, but those who were actually therein Represented; for this Reason, we humbly apprehend, they never have Tax'd Ireland, or any other of the Subjects without the Realm.

But were it ever so clear, that the Colonies might in Law, be reasonably deem'd to be Represented in the Honourable House of Commons, yet we conceive, that very good Reasons, from Inconvenience, from the Principles of true Policy, and from the Spirit of the British Constitution, may be adduced to shew, that it would be for the real Interest of Great-Britain, as well as her Colonies, that the late Regulations should be rescinded, and the several Acts of Parliament imposing Duties and Taxes on the Colonies, and extending the Jurisdiction of the Courts of Admiralty here, beyond their ancient Limits, should be Repeal'd.

We shall not Attempt a minute detail of all the Reasons which the Wisdom of the Honourable House may suggest, on this Occasion, but would humbly submit the following Particulars to their Consideration.

That Money is already become very scarce in these Colonies, and is still decreasing by the necessary Exportation of Specie from the Continent, for the Discharge of our Debts to British Merchants.

That an immensely heavy Debt is yet due from the Colonies for British Manufactures, and that they are still heavily burthen'd with

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Taxes to discharge the Arrearages due for Aids granted by them in the late War.

That the Balance of Trade will ever be much against the Colonies, and in Favour of Great-Britain, whilst we consume her Manufactures, the Demand for which must ever Increase in Proportion to the Number of Inhabitants settled here, with the Means of Purchasing them. We therefore humbly conceive it to be the Interest of Great-Britain, to increase, rather than diminish, those Means, as the Profits of all the Trade of the Colonies ultimately center there to pay for her Manufactures, as we are not allowed to purchase elsewhere; and by the Consumption of which, at the advanced Prices the British Taxes oblige the Makers and Venders to set on them, we eventually contribute very largely to the Revenue of the Crown.

That from the Nature of American Business, the Multiplicity of Suits and Papers used in Matters of small Value, in a Country where Freeholds are so minutely divided, and Property so frequently transferr'd, a Stamp Duty must ever be very Burthensome and Unequal.

That it is extremely improbable that the Honourable House of Commons, shou'd at all Times, be thoroughly acquainted with our Condition, and all Facts requisite to a just and equal Taxation of the Colonies.

It is also humbly submitted, Whether there be not a material Distinction in Reason and sound Policy, at least, between the necessary Exercise of Parliamentary Jurisdiction in general Acts, for the Amendment of the Common Law, and the Regulation of Trade and Commerce through the whole Empire, and the Exercise of that Jurisdiction, by imposing Taxes on the Colonies.

That the several subordinate Provincial Legislatures have been moulded into Forms, as nearly resembling that of their Mother Country, as by his Majesty's Royal Predecessors was thought convenient; and their Legislatures seem to have been wisely and graciously established, that the Subjects in the Colonies might, under the due Administration thereof, enjoy the happy Fruits of the British Government, which in their present Circumstances, they cannot be so fully and clearly availed of, any other Way under these Forms of Government we and our Ancestors have been Born or Settled, and have had our Lives, Liberties, and Properties, protected. The People here, as every where else, retain a great Fondness for their old Customs and Usages, and we trust that his Majesty's Service, and the Interest of the Nation, so far from being obstructed, have been vastly promoted by the Provincial Legislatures.

That we esteem our Connections with, and Dependance on Great-Britain, as one of our greatest Blessings, and apprehend the latter will appear to be sufficiently secure, when it is considered, that the Inhabitants in the Colonies have the most unbounded Affection for his Majesty's Person, Family, and Government, as well as for the

Mother Country, and that their Subordination to the Parliament, is universally acknowledged.

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We therefore most humbly entreat, That the Honourable House would be pleased to hear our Counsel in Support of this Petition, and take our distressed and deplorable Case into their serious Consideration, and that the Acts and Clauses of Acts, so grievously restraining our Trade and Commerce, imposing Duties and Taxes on our Property, and extending the Jurisdiction of the Court of Admiralty beyond its ancient Limits, may be repeal'd; or that the Honourable House would otherwise relieve your Petitioners, as in your great Wisdom and Goodness shall seem meet.

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And your Petitioners as in Duty bound shall ever pray.

Then the Congress Adjourned till To-Morrow Morning X o'Clock.

Thursday, October 24, 1765.

The Congress met according to Adjournment.

The Congress took into Consideration, the Manner in which their several Petitions should be preferred and sollicited in Great-Britain, and came to the following Determination, viz.

It is recommended by the Congress, to the several Colonies, to appoint special Agents for solliciting Relief from their great Grievances, and unite their utmost Interest and Endeavours for that Purpose.

Voted Unanimously, That the Clerk of this Congress Sign the Minutes of their Proceedings, and deliver a Copy for the Use of each Colony and Province.

By Order of the Congress,
John Cotton, Clerk.

Savannah, in Georgia, September 6, 1765.

Sir,

(Copy.) Your Letter dated in June last, acquainting me, that the House of Representatives of your Province, had Unanimously agreed to propose a Meeting at the City of New-York, of Committees, from the House of Representatives of the several British Colonies on this Continent, on the First Tuesday in October next, to consult together on the present Circumstances of the Colonies, and the Difficulties to which they are, and must be reduced, by the Operation of the Acts of Parliament for laying Duties and Taxes on the Colonies, and to consider of an humble Representation of their Condition to his Majesty and the Parliament, and to implore Relief, came to Hand at an unlucky Season, it being in the Recess of the General Assembly of this Province; nevertheless, immediately upon the Receipt of your Letter, I dispatch'd Expresses to the several Repre-

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sentatives of this Province, acquainting them with the Purport thereof, and requesting them to meet at this Place without delay, and accordingly they met here on Monday last, to the Number of Sixteen, being a large Majority of the Representatives of this Province, the Whole consisting of Twenty-five Persons; but his Excellency our Governor being applied to, did not think it expedient to call them together on the Occasion, which is the Reason of their p. 25 not sending a Committee, as proposed by your House, for you may be assured, Sir, that no Representatives on this Continent, can more sincerely concur in the Measures proposed, than do the Representatives of this Province now met together, neither can any People, as Individuals, more warmly Espouse the Common Cause of the Colonies, than do the People of this Province.

The Gentlemen now present, request it as a Favour, you'll be pleased to send me a Copy of such Representation as may be agreed upon by the several Committees at New-York, and acquaint me how, and in what Manner, the same is to be lain before the King and Parliament, whether by any Person particularly authorized for that Purpose, or by the Colony Agents. The General Assembly of this Province stands Prorogued to the 22^d^ Day of October next, which is the Time it generally meets for the Dispatch of the Ordinary Business of the Province; and I doubt not, the Representatives of this Province, will then, in their Legislative Capacity, take under Consideration, the Grievances so justly complain'd of, and transmit their Sense of the same to Great-Britain, in such Way, as may seem best calculated to obtain Redress, and so as to convince the Sister Colonies of their inviolable Attachment to the Common Cause. I am, Sir,

Your most obedient,
And most humble Servant
Alexander Willy.

To Samuel White, Esq;
Speaker of the House
of Representatives of
Massachusetts, &c.

New-Hampshire.

Mr. Speaker laid before the House, a Letter from the Honourable Speaker of the Honourable House of Representatives of the Province of the Massachusetts-Bay, to the Speaker of this Assembly, proposing a Meeting, of Committees, from the several Assemblies of the British Colonies on the Continent, at New-York, to consider of a general, united, dutiful, loyal, and humble Representation of our Circumstances, and for imploring his Majesty and the Parliament for Relief: Which being Read,

Resolved, That notwithstanding we are Sensible such Representation ought to be made, and approve of the proposed Method for obtaining thereof, yet the present Situation of our Governmental Affairs will not permit us to appoint a Committee, to attend such

Meeting, but shall be ready to join in any Address to his Majesty and the Parliament we may be honoured with the Knowledge of, probable to answer the proposed End.

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A. Clarkson, Clerk.

The Two foregoing Letters, are true Copies from the Original.

Attest. John Cotton, Clerk.

Adjourned to To-Morrow Morning IX o'Clock.

Friday, October 25, 1765.

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The Congress met according to Adjournment.

Time not permitting the Clerk to make Copies at large, of the Proceedings of the Congress, for all the Colonies they think it proper shou'd be furnished therewith;

Resolved, That the Gentlemen from the Massachusetts-Bay, be requested to send a Copy thereof to the Colony of New-Hampshire; the Gentlemen of Maryland to Virginia; and the Gentlemen of South-Carolina to Georgia, and North-Carolina.

Signed per Order,
J. Cotton, Clerk.

[*The account rendered to the General Assembly of Maryland by the three Maryland representatives to the Stamp Act Congress showing the disposition of the £500 current money granted them by ordnance September 27, 1765*]

An Account of the Disposition of the £500 Granted by Ordinance, and received of the Treasurer, by William Murdock, Edward Tilghman, and Thomas Ringgold.

To Cash paid the whole Expences of the Committee to New-York, there and back again,	£138	14	1
To Cash paid Express to New-York, to give Notice of our coming,	15		
To paid for Express, to send a Copy of our Proceedings to the Speaker of Virginia,	1	10	
To paid for a Bill of Exchange, to remit to Charles Garth, Esq; with the Address and Petitions 150l. Sterling, at 65 per Cent Exchange,	247	10	
Cash remaining in Hand 127 Pistoles and 18/8	172	7	8
	£575	1	9

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By Cash received of the Treasurer, in Gold, £500 at 5/6 per Dwt. as follows:

409 Spanish Pistoles at 27 s....................	£532	3	
5 Half Johannes at 57 s 6....................	14	7	6
4 French Pistoles, at 26 s 6....................	5	6	
1 Moidore, ...	2	3	6
1½ ditto, ...	1	1	9
	£575	1	9

[*Letter of the three Maryland commissioners to the Congress appointing Charles Garth the Agent in England to represent Maryland in Stamp Act affairs*]

October 26, 1765.

Sir,

We had the Honour to be appointed by the House of Representatives of the Province of Maryland, a Committee, to meet Committees of the Members of Assembly of the other Colonies, on this Continent, at New-York, the First of this Instant, to join in a general, and united, dutiful, loyal, and humble Representation of the Condition of those Colonies, to his Majesty and the Parliament, and to implore Relief from the grievous Burthens lately laid upon our Trade, and the Taxes and Duties lately imposed on us, especially by the Stamp-Act.

Accordingly Members from Nine Colonies met, to wit, from the Massachusetts-Bay, Connecticut, Rhode-Island and Providence Plantations, New-York, New-Jersey, Pennsylvania, the Government of the Counties of New-Castle, Kent, and Sussex, upon Delaware, p. 27 Maryland, and South-Carolina, but as you'll find the Address, &c. Signed only by Members from Six of those Colonies, it may be proper to acquaint you with the Reasons why they did not all Sign, tho' they all concurr'd with the Proceedings.

The Lieutenant Governor of New-York Prorogued their Assembly from Time to Time, so that their House had not an Opportunity of appointing Members with full Powers to join, and Sign the Address, &c. Yet the Assembly of New-York, having at their last Meeting appointed Five of their Members as a Committee, not only to Correspond with their Agent at Home, but also during the Recess of the House, to write to, and correspond with, the several Assemblies, or Committees of Assemblies on this Continent, on the subject Matter of the several late Acts of Parliament, so Grievous and Dangerous to their Colonies, it was thought proper to admit this Committee to join in the Conferences, and they agreed to what was done, and promised to use their Endeavours with their Assembly to concur also whenever they shou'd be permitted to meet.

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The South-Carolina Assembly, not rightly viewing the Proposal (which Originally came from the Assembly of the Government of the Massachusetts-Bay,) as it was intended that the several Committees, when met, shou'd Frame and Sign an Address to his Majesty, and Memorial and Petition to the Parliament, to be immediately Dispatch'd by the Congress, instructed their Members (Messrs. Lynch, Rutledge, and Gadsden,) to return their Proceedings to them, for Approbation. The Connecticut Assembly made the same Restrictions in their Instructions. The Assembly also of New-Hampshire wrote, that they had Resolved, That notwithstanding they were Sensible such a Representation ought to be made, and approved of the proposed Method for obtaining thereof, yet the present Situation of their Governmental Affairs, wou'd not permit them to appoint a Committee to attend such Meeting, but shou'd be ready to join in any Address to his Majesty and the Parliament they might be honoured with the Knowledge of, probable to answer the proposed End: And the Speaker of the Assembly of Georgia wrote, that a Majority of their Members had applied to the Governor to call their Assembly, and he did not think it Expedient, which was the Reason they did not send a Committee as proposed, but requested us to transmit a Copy of our Proceedings to them (which will be done) and that their Assembly wou'd meet about this Time, and he did not doubt but they shou'd Act so as to convince the Sister Colonies of their inviolable Attachment to the Common Cause: We also understood the North-Carolina, and we know the Virginia Assembly, was Prorogued, whereby they cou'd not have the Opportunity of joining us; so that we doubt not but the Colonies who have not Signed, will very speedily transmit similar Addresses, &c. if their Assemblies should not be hindered from Meeting: And to this Purpose, we hope you'll soon hear from the Assembly of South-Carolina. By the Gentlemen of that Colony we were favoured with a Sight of your late Letters, and inform'd of your careful and spirited Conduct with Regard to the Interests of that Colony, and that, together with your Declaration, which we find in those Letters, that you enjoy an independent Seat in the British Parliament, induced us (as we have no established Agent at present, for this Province, nor have yet been able to obtain a Law to Tax ourselves for p. 28 that Purpose) to trouble you with our Request, that you will Present the inclosed Address to his Majesty, and Memorial and Petition to the Houses of Parliament, and exert your utmost Interest and Abilities in behalf of this poor distress'd Country, and of this Province in particular.

We hope as there is a Change in the Ministry, and as the Gentlemen in the House of Commons, may at their next Meeting, take a more enlarged View of the true Interest of Great-Britain, and her Colonies, they will find it to be in supporting the Rights and encouraging the Trade of the latter, and that the Happiness of the

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Mother Country and her Colonies must be inseparable, and that we shall obtain Relief.

The several Committees agreed to recommend it to their respective Colonies, to appoint Special Agents on this Occasion, and to instruct them to unite their utmost Interest and Endeavours for that Purpose. One Address, &c. was transmitted by the Gentlemen of the Massachusetts Government, immediately to their Agent (Mr. Jackson we understood) and we expect the other Colonies will have Duplicates sent to their Agents, and we hope will all unite in Expence and Instructions, to have able Counsel before both the Lords and Commons, as our Petitions pray.

We were intrusted with the Disposition of some Money upon this Occasion, and inclose you a Bill of Exchange, on Messrs. Capel and Osgood Hanbury, for One Hundred and Fifty Pounds Sterling, as a Compensation for your Trouble and Expence in this Affair. We doubt not our Assembly will approve of what we do in this Matter; and as they are to meet the last of this Month, we shall lay our Proceedings before them, and 'tis probable they will write you more fully, and furnish you with such further Instructions and Arguments, as may appear to them to be proper to be given and urged on this Occasion, in Behalf of the Colonies.

We are,
Your most obedient Servants,
[Edward Tilghman]
[William Murdoch]
[Thomas Ringgold]

[*No signatures are appended to this letter as printed in the pamphlet, nor in the "Proceedings of the Congress at New-York", as they appear in the manuscript journal of the Lower House in Liber L. H. J. No. 52, folios 399-426.*]

II

SEVERAL INSTRUCTIONS OF FREDERICK, LORD BALTIMORE, TO GOVERNOR HORATIO SHARPE, 1765

A

[INSTRUCTIONS OF FREDERICK, LORD BALTIMORE, DATED LONDON, JANUARY 16, 1765, TO GOVERNOR HORATIO SHARPE. THE PROPRIETARY EXPRESSES HIS WARM APPROVAL OF THE ACTION OF THE UPPER HOUSE AT THE 1763 SESSION IN REFUSING TO PASS A LOWER HOUSE BILL TO SUPPLEMENT "AN ACT FOR QUIETING POSSESSIONS AND

Enrolling Conveyances," after the Lower Chamber had refused to concur in an Upper House amendment requiring that the alienation fee due the Proprietary be paid before a conveyance for land could be recorded. The Proprietary felt that although the alienation fee could in any event be collected by him in the Chancery Court, the purpose of the Lower House in refusing to accept the amendment was the desire to arouse in the minds of the people the false conception that the Chancellor in such cases would not be at liberty to give a decree against the Proprietary, this reflecting upon the good faith of the Chancellor.]

FREDERICK ABSOLUTE LORD AND PROPRIETOR OF THE PROVINCE OF MARYLAND AND AVALON IN AMERICA LORD BARON OF BALTIMORE IN THE KINGDOM OF IRELAND.

MSS Calvert Papers No. 689 Md.Hist.Soc.

Orders and Instructions to be observed and pursued by Our Trusty and well beloved Horatio Sharpe Esq.r Our Lieutenant General and Chief Governor of Our Province of Md.

F Baltimore

"I observe by the Journals of Assembly in 1763 a Bill intitled, An Additional Supplementary Act, to the Act, intitled, An Act for Quieting Possessions and enrolling Conveyances, &c. By the Upper House of Assembly 16th Nov 1763, Read the second time and will pass with the amendment after the words some and, in the 2d line of the 2d Page, insert these words, The Alienation Fine being satisfied. "I observe the 22d of Novemb.r the said Bill for Quieting Possessions &c. which was brought down from the Upper House on the 16th of November 1763 with the amendment proposed was read "(in the Lower House)" with the amendment proposed and to which this House doth not concur. Upon the Subject Matter of the Bill I think proper to advise You thereon. To the Upper House of Assembly, I am thankful for their Honourable and Just regard to my Property by their short amendment to the Bill, Id, Est, "The Alienation Fine being satisfied" the Lower House did not concur to the admendment, and why, "The Amendment was Equitable and just, and is lawfully my Due, and as such I insist on it by Patent, Patented to me and my Heirs and Assignees, And further concerning the Bill, for tho' a Party refusing to Pay the Alienation Fine might even after such a Bill had passed have been compelled by the Chancery Court, Yet I have real reason to apprehend (from the false doctrine that has been propagated in the Province) that on determination of that sort, it might have been easy for an ill-disposed Lawyer to persuade their dependants, that a Chancellor was not at Liberty to give a Decree against Me, and so a Spectre might have been raised

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to disturb the minds of My Tenants, and I suppose that if the Gentlemen of my Council of the Upper House of Assembly had not apprehended that some such inconveniency would follow, They would not have admonished on it—I much approve of the Upper House for their amendment to the Bill aforesaid, and thank them for their rectitude and strict regard to Me and to My Provincial Tenants, as a Barrier against expensive and Vexatious Litigation as might happen by Law between Me and My Tenants as aforesaid, and the only means to defeat the base aspersions levelled at my Provincial Chancellor, A Doctrine published and inculcated in my Province by Evil-minded People. That My Provincial Chancellor was not at liberty to give a Decree against Me &c and this without any shadow of cause vilely forged at me and My Chancellor. I hold the author for his false and flagitious doctrine in the utmost contempt, low as he is for his weak and wicked Effrontry in violation and against all Truth.

As to the Bill "for Quieting Possessions and enrolling Conveyances &c such a Bill I agree is right in Justice, but then Reason and the Law of Nature dictateth, Whatsoever Right any Man requireth to retain, he is to allow every other man to retain the same, the allowance admonished by the Upper House to the Bill, Id, Est, the Alienation Fine being satisfied is a right Equalia, Equalibus to me and is Proportionalibus to that right and security I am willing to assent to be retained for others by a Bill, and this I think is Distributive Justice properly termed Equity, this Justice the Upper House by their above amendment to the Bill, Allowed to retain Honour, Union and Equity between Me and My Tenants for our Common Peace and Benefit and against Loss or Ill-Will, and for this they are truly Just in their intentions, and I doubt not their continuance of such Equity on this matter and of all concerns between me and My Provincial Tenants, and I doubt not of yours and my Councils Honourable Lawful and Equitable discharge to Me and to my said Tenants according to Your Oaths under Obedience to his Majesty and on my behalf as Lord Proprietor of Maryland, and of yours and their just regard to all Persons Matters and Concerns properly of Cognition before you as my Chancellor and those of my Provincial Council. And I hope on Revivor of the said Bill the Lower House will Allow of so equal and just amendment to be incerted in such Bill or Act offer'd and expressed by the Upper House as aforesaid.

Given under my Hand and Lesser Seal at Arms at London this sixteenth day of January in the fourteenth Year of my Dominion of the said Province and in the Year of Our Lord 1765.

F. B.

By His Lordships Com̄.^{d}

Copy

Caecil.^{s} Calvert Sec^{y}
of Maryland

B

[INSTRUCTIONS OF FREDERICK, LORD BALTIMORE, DATED FEBRUARY 7, 1765, TO GOVERNOR HORATIO SHARPE REFER TO THE CONTROVERSIES BETWEEN THE UPPER HOUSE AND THE LOWER HOUSE IN REGARD TO THE DISPOSITION OF FEES OF LICENSES FROM ORDINARIES, AND AFTER ASSERTING HIS ANCIENT AND UNDISPUTED RIGHTS TO THESE, ENJOINS SHARPE UNDER NO CIRCUMSTANCES TO ASSENT TO ANY BILL WHICH IN ANY WAY INVADES HIS RIGHT TO ORDINARY LICENSES OR FINES ACCRUING FROM THEM, WITHOUT A PROVISO THAT SUCH A BILL REMAIN SUSPENDED AND INEFFECTUAL FOR AT LEAST EIGHTEEN MONTHS AFTER ITS PASSAGE, OR UNTIL HIS WILL IS SIGNIFIED. A SOMEWHAT DIFFERENT VERSION OF THESE INSTRUCTIONS WILL BE FOUND IN THE ARCHIVES VOLUME XXXII, 143-144.]

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FREDERICK, ABSOLUTE LORD AND PROPRIETARY OF THE PROVINCES OF AVALON & MARYLAND IN AMERICA, LORD BARON OF BALTIMORE IN THE KINGDOM OF IRELAND.

F Baltimore

To Our Right Trusty and Well Beloved Horatio Sharpe Esq.^{r} Our Lieut.^{t} Governor and Commander in Chief in and over our Province of Maryland aforesaid.

Whereas It Appears to Me, from Perusal of the Journals and Proceedings of the Assembly of our s.^{d} Province of Maryland, That Various Altercations & Controversys have arisen, & subsisted for some years past, between our Upper & Lower Houses of Assembly, as well touching the application & disposition of the Duties Fines Penaltys & forfeitures arising from Ordinary Licenses and other Licences Granted within our said Province, as touching the Ordering and Regulating of the Same Licenses, and the Collection and receit of the Duties Fines and Forfeitures arising from the same, whereby, our Antient and Undoubted Rights & Prerogatives are drawn in question, and Attempts made by one branch of the Legislative Authority, in Opposition to the other branches of the same Legislature, to Divest us of our s.^{d} Revenue, and to Appropriate the same, at the Arbitram.^{t} & Appointm.^{t} of one House, contrary to our Dignity, and equally Injurious to our Publick and Private rights to the great Interruption of the business of our said Assembly and to the heavy burthen & Expence of our said Province; And We being advised, That the sole Power of Granting, Ordering, and Regulating Licences within our said Province, with all Incidents thereto appertaining, is vested in us, by Virtue of our Prerogative and Charter rights, and the Antient Exercise and Usage of the same by our Noble Ancestors. I Do therefore hereby strictly Enjoyn and

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Require You, That you do not upon any Account Signify Your Assent to any Bill whatsoever, to be sent up to you from both or either of the Houses of Assembly of our said Province, whereby Our Sole Right and Priviledge of Granting Ordinary Licences, or any other Licenses whatsoever, within our s.^{d} Province, to such Persons, and in such Manner as we shall think fitting, shall or May be in any wise Invaded, Impeached, or otherwise drawn into question; or whereby any Appropriation, Appointment, or Disposition shall or may be made by both Houses or either House of Assembly within our said Province of the Dutys, Fines, Penalties, and Forfeitures, arising, or to arise from such Ordinary Licences or other Licences whatsoever, at any time heretofore Granted, or hereafter to be Granted within our said Province, otherwise than to our proper use and benefit, or to or for such Uses Intents & purposes to which I shall have Signified to you or our said Assembly My previous Assent and pleasure; or whereby any new Regulations, Modes of Collection, or other Innovations shall or may be Established, or Introduced, touching the same Licences or any of them, or touching all or any of the Dutys Fines Penaltys or forfeitures arising or to arise thereby—Unless without an express Provision to be incerted in every such Bill whereby the Operation Force Validitiy & Effect of every such Bill & every Clause Article matter and thing to be incerted in every such Bill, Shall be Suspended and remain In Effectual for the space of 18 Months at least to be computed from the day of your Assent to such Bill, or untill such time as our Will and Pleasure shall be signified to you therein.

Given at London under our hand and Lesser Seal at Arms this 7th day of Feb.^{ry} in the 14.th Year of our Dominion and in the Year of our Lord 1765.

F B

By His Lord.^{ps} Com.^{d}
Caecil.^{s} Calvert Sec^{y}
of Maryland

C

[Instructions of Frederick, Lord Baltimore, dated January 16, 1765, to Governor Horatio Sharpe assenting to the laws passed by the Assembly at the March-April 1762, and at the October- November 1763, sessions. The laws thus assented to by title and number correspond with the acts listed as having reen passed at the 1762 and 1763 sessions in Volume LVIII of the Archives of Maryland, and are therefore not relisted again here.]

FREDERICK ABSOLUTE LORD AND PROPRIETOR OF THE PROVINCES OF MARYLAND AND AVALON IN AMERICA LORD BARON OF BALTIMORE IN THE KINGDOM OF IRELAND

MSS Calvert Papers No. 692 Md.Hist.Soc.

Orders and Instructions to be observed and pursued by Our Trusty and beloved Horatio Sharpe Esq.r Our Lieutenant General and Chief Governor of our Province of Maryland.

F Baltimore

Whereas at a Session of Assembly began and held at our City of Annapolis, in Maryland on Wednesday the seventeenth Day of March, in the Eleventh Year of my Dominion in the Province of Maryland the following Acts of Assembly on my behalf were passed by you viz in 1762

[*The 33 acts passed at the March-April, 1762, session are here listed*]

And whereas at a Session of Assembly began and held at our City of Annapolis in Maryland the fourth day of October in the thirteenth Year of our Dominion in the Province of Maryland the following Acts of Assembly in my behalf were passed by You viz in 1763

[*The 33 acts passed at the October-November, 1763, session are here listed*]

On consideration upon the aforesaid several Acts I do hereby signify to you my assent and will that each of the said Acts of our Assembly be Laws of the Province of Maryland and you are to enter this my assent upon Record as usual.

Given under my Hand and Lesser Seal at Arms at London this Sixteenth Day of January in the Thirteenth Year of my Dominion of the said Province and in the Year of our Lord 1765.

F B

By His Lordships Com^{d}
C C Sc^{y}
of Maryland

D

[INSTRUCTIONS OF FREDERICK, LORD BALTIMORE, DATED JANUARY 16, 1765, TO GOVERNOR HORATIO SHARPE APPOINTING JAMES HOLLYDAY ESQ. TO THE VACANCY IN THE COUNCIL [AND IN THE UPPER HOUSE] CAUSED BY THE DEATH OF PHILIP KEY. IT SHOULD BE ADDED THAT HOLLYDAY REFUSED THIS APPOINTMENT AND REMAINED IN THE LOWER HOUSE.]

MSS Calvert Papers No. 691 Md.Hist.Soc.

SEAL

FREDERICK ABSOLUTE LORD AND PROPRIETOR OF THE PROVINCES OF MARYLAND AND AVALON IN AMERICA LORD BARON OF BALTIMORE IN THE KINGDOM OF IRELAND

Orders and Instructions to be observed and pursued by Our Trusty and beloved Horatio Sharpe Esq.^{r} Our Lieutenant General and Chief Governor of Our Province of Maryland.

F Baltimore.

You having Signified the Death of Philip Key Esq.^{r} one of the Members of my Provincial Council, I do accept and approve, and You are hereby to fill up that Vacancy in Our Council by Placing James Holliday Esq.^{r} of our East Shore in our Council, being a Person you Recommend in every respect Qualified And a True Liege Subject to his Majesty on the Throne: therefore, You here have my approbation and Consent, and You are to appoint him the said James Holliday as of good Credit from You, to be of Our Council accordingly.

Given under my Hand and Lesser Seal at arms at London this Sixteenth day of January in the fourteenth Year of my Dominion of the said Province And in the Year of Our Lord 1765

F B

By His Lordships Order
C C Se.$^{c'y}$
of Maryland

E

[Instructions of Frederick, Lord Baltimore, dated February 26, 1765, to Governor Sharpe appointing Colonel Hooper, late Speaker of the Lower House, to the vacancy in the council [and therefor to the Upper House], caused by the death of Stephen Bordley Esq., late of the Council and Commissary General; and appointing Charles Goldsborough Esq. to be Commissary General. He confirms all church benefices and all other provincial preferments and offices lawfully given by Sharpe under authority granted to him by Frederick's uncle Cecilius Calvert, Secretary of Maryland in England, on his behalf, when Frederick was absent from England. These same instructions, with a few differences in wording, are also to be found in Black Book No. 7, Letter 31, MSS Archives of Maryland, Hall of Records.]

FREDERICK ABSOLUTE LORD AND PROPRIETARY OF THE PROVINCES OF MARYLAND AND AVALON IN AMERICA LORD BARON OF BALTIMORE IN THE KINGDOM OF IRELAND.

MSS Calvert Papers No. 694 Md.Hist.Soc.

F. Baltimore

Orders and Instructions to be observed and pursued by Our Trusty and well beloved Horatio Sharpe Esq.r Our Lieutenant General and Chief Governor of Our Province of Maryland.

Upon your Notifying to me Loss by the Death of Stephen Bordley Esq.r late of Our Provincial Council and Commissary General of Maryland. I accept of your recommendation of Colonel Hooper the late Speaker of Our Lower House of Assembly for his moderate Conduct and by reputation a just Magistrate of Our Civil Government and a true Leige Subject of Our Souvereign Lord the King, these his Qualifications are Estimable to me; I therefore do approve and you are to appoint the said Henry Hooper Esq.r to be of Our provincial Council, and you are to appoint him a member accordingly.

I approve of Charles Goldsborough Esqr of Our Council on the vacancy of Commissary to be Commissary General of Our Said Province by your appointment and conformable of him by my Instructions to you dated the Eighth of October 1761.

And I do hereby confirm all Church Benefices by you Given and all other my provincial preferments and offices Lawfully done by you and under and by my Authority Given to my Beloved Uncle the Honourable Caecilius Calvert Secretary of Maryland for and on my Behalf during my absence late from England abroad in foreign Parts.

Given under My hand Lesser Seal at Arms at London the 26.th of February in the 14th Year of my Dominion in the said Province and in the Year of Lord 1765.

By his Lord.ps Com̃.d

III

LETTER FROM CECILIUS CALVERT, SECRETARY OF MARYLAND IN ENGLAND, TO FREDERICK, LORD BALTIMORE, DATED MARCH 28, 1764.

[THIS LENGTHY AND INCOMPLETE LETTER FROM CECILIUS CALVERT, SECRETARY OF MARYLAND IN ENGLAND, TO HIS NEPHEW FREDERICK, LORD BALTIMORE, IS A REPORT TO THE LORD PROPRIETARY ON VARIOUS MARYland matters. The extravagant use of abbreviations suggests that it may have been a copy kept by the writer, and not the original letter sent. Cecilius writes of the attack recently made against the Proprietary government of Maryland by an anonymous writer, who in a series of "Queries", which appeared in the London Public Ledger, attacked not only the Proprietary government but also Cecilius personally on suspicion of his being a Roman Catholic, and for posing as the Provincial Agent. The letter itself is a somewhat incoherent defense of the Proprietary government, especially of the Upper House, and an attack upon the Lower House in the matter of its bill providing for a Provincial Agent in England.]

MSS Calvert Papers No. 1280 Md.Hist.Soc.

London, March 28, 1764

My Dear Lord

I have rec.^{d} y.^{rs} the 26th of Jan.^{y} the 9.th Ins.^{t} I immediately dispatched Let.^{rs} to the Mess.^{rs} Hanbury & to Mr. Lyon for their acco.^{ts} to you desired, w.^{h} by this Post I transmit you & my Acco.^{ts} of paym.^{ts} made & y.^{r} artificers in London as well as y.^{r} Orders to me & to others of paym.^{ts} on y.^{r} acco.^{ts} by the Mess.^{rs} Hanbury my draughts on them.

Y.^{r} Observations on the Public writer ab.^{t} Maryland very just, ag.^{t} his abuse con.^{g} (concerning) the Provincial plan of Governm.^{t}, as near as can be & exercised (?) agreeable to our happy Constitution Both in Church & State with.^{t} Error upw.^{ds} a Hundred & Thirty Years by y.^{r} Ancestors & y.^{r} Lord^{ps}, by & under y.^{r} Royal Charter Now Question'd & Interrogated by an anonymous Sophistical Upstart, who with false Logic & Assertion & with Low Craft has attempted to slur y.^{r} rights & to hurt the Crown's Power thro.^{h} y.^{r} Lord.^{ps} sides of y.^{r} Royal Charter. As to his Sarcasm on me by false Supposition, by Error of Calendar publish'd, gives me no desquietude., I was trained in my tender years bet: 9 & 10 in a Protestant School, Defye the Pope, the Devil & the writter, who like a Rattle Snake lays Couched & has venom. I fear him not, despise him, his Rattle will discover him & I have a swish for him. I am by y^{r} authority y.^{r} Provincial Sec.^{y}, I assume no character by appointm.^{t} from the Province as Provincial Agent, under w.^{h} denomination the Lib.^{r} writer fosters his Design ag.^{t} me, that I frustrate their appeal ab.^{t} Grivances from the Tribunal of Majesty; on the contrary, I have urged their, bring forth the complaints before the sacred Prescence. Not doubting in the least But that y.^{r} Lord^{ps} rectitude in all matters would well prove their false complaints & set in view their spot'd principles & minds.

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Your Up.^{r} House of Assembly Headed by a Lieut. Governor Hon.^{bl}, of real abilities & a just man & has exercised no Power But with Lenity & truly the Members that compose the Up.^{r} House by you appointed, you have chosen provincial Gentlemen of the real Best circumstances & the majority of them of the best Erudition, all of fair & Hon^{ble} characters; acknowledged in & by those here y.^{t} are conversant with the British Colonies in America & to be part of Legislature the best appointed in the Colonies y.^{r} Lord^{sps} & Ancestors and as may be said the Utile Domini to the Crown, have held with Lenity the Reins of Goverm.^{t} & rendering Pecuniary Gratuities of Princely friendships. Both Public & Private to the Provincial People, Testimony thereof now extant & Recorded & Acknowledge by Sev^{l} Acts of Assembly. Standers by say, See Why Abuse? why? answ.^{d} from Ambition, Self-Interest, ab.^{t} the Loaves & Fishes, Malice, Envy & turbulent spirit, & imaginary Fantoms; these are Crudities attendant on the chyle [sic] of Governm.^{t}; too often not recoverable but by Justice, w.^{h} if needful will exterminate my Lord Adversaries unlawful & undutifull Behaviour.

I've y.^{r} Let.^{r} to the Gov.^{r} w.^{h} I shall take care to transmit him y.^{r} Benevolent Expressions to him & to y.^{r} Council State will please them much, their Conduct is Essentialy just. Y.^{r} Doctrine therein to the Lo H— ab.^{t} an Agent is truly observed, & good Advice to them to follow & they Aught; But their turbulency is surprising! follows the Argum.^{ts} by messages from the Up^{r} House to the Lo House con.^{g} the Bills sent from the Lower House ab.^{t} appointm.^{t} of a Provincial Agent, Brief Extracts cited, & must Evince y.^{r} Lord.^{p} of the false assertion of the Let^{r} Writer ab.^{t} Agent Bills sent by the Lo.^{ps} to the Up.^{r} House, he says viz.^{t} "And have not these Bills always miscarried in the Up.^{r} House? Why have the Up.^{r} House rejected these Bills without giving any reason for it, or proposing any amendments? Answ.^{r} The Up.^{r} House has offered to join Issue Sev.^{l} times with the Lo. House, for the appointm.^{t} of a Provincial Agent, extant on their Journals & they say in Answ.^{r} to the Lo.^{r} Ab^{t} an Agent viz.^{t} "State y.^{r} case as plausible as you can, for the consideration of the Public: But if you will be so candid as to allow the Up^{r} House capable of being actuated by any principles of Honour & Justice & Reason in matters where his Lord.^{p} is concerned, y.^{r} Whole Reasoning falls to the Ground, nor have we as yet denied a Passage to any other Bill for an Agent, But that one in the Shape you sent it."

"All we contend for is, That the Concurrence of the Gov.^{r} & the Up.^{r} House should be made necessary in the Nomination & Appointm.^{t} of the Person designed for that employment, & that the Agents on Behalf of other Plantations are generally nominated by the Legislature or Government. We cannot believe the world can be so easily improved upon as you imagine, & it is the heigth

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of imprudence to intrust any Person with such an authority & Fund of Money as may tempt & enable them to betray that Trust, & that the world may clearly see what we object to the Bill on this Head, we must take the Liberty of mentioning some parts of the Bill" "That the Person in whose hands the money shall be lodged, shall pay such money to such Person or Persons as the Trustees so to be appointed or to the Survivor or Survivors of them shall order & direct & not otherwise, and that the money arising by the Duty shall be applyed towards the support of an Agent at London & to such other uses & purposes as shall from time to time be thought necessary by the Trustees or the Survivors of it & not otherwise." "Now let us consider the duration, Power & temptation w.^{h} the Trustees must have had under such a Law. 1.st not to be removed from the Trusteeship during continuation of the Law, for after the Speaker had once executed the authority of Signifying the appointm.^{t} of the Trustees there could not be another appointment before all the Trustees should be Dead & the Bill expressly directs the Trust to be executed by the Survivor or Survivors"

2.^{dly} As to the Power it is with.^{t} Bounds, they might have done either as much or little as they pleased, not one thing noticed as the Business of the Trustees except fingering the money & making some application of it (But not mentioned how much to an Agent) so that one would be apt to imagine that Bill had been calculated principally to gratifye the same Trustees."

"3^{dly} Let us examine how they might complim.^{t} each other out of this Fund & not acc.^{ble} for Embez.^{mt} or misapplication. The Sixpence p.^{r} Hh.^{d} on Tobacco may be calculated at £700 p.^{r} Annum, former salary to an agent a £100 p.^{r} Ann: But supposed this increased to a £200 p.^{r} Ann: sterl.^{g} those then w.^{d} remain £500 p.^{r} Ann: in three years £1500 Sterl^{g} which they might dispose of to such purposes they think necessary, to the Province or their own use, accountable only for no more than they might think fit to give their agent that the Law was very express they should have Liberty of applying the money as they judged necessary, is sufficient for the purpose." Hence the world may judge who acted with care in . . . [*The letter ends here abruptly; the page following is missing*]

IV

BRIEF ANSWERS TO QUERIES IN THE LONDON PUBLIC LEDGER, 1763

[THIS OLD MANUSCRIPT IN THE STATE ARCHIVES, ENTITLED "BRIEF ANSWERS TO QUERIES RELATIVE TO THE GOVERNMENT OF MARYLAND THAT WERE INSERTED IN THE PUBLIC LEDGER OF THURSDAY NOVEMBER 17TH 1763", WAS OBVIOUSLY WRITTEN BY SOME REPRESENTATIVE OF THE PROPRIETARY GOVERNMENT, PROBABLY FOR, AND POSSIBLY BY, CECILIUS CALVERT, PROVINCIAL SECRETARY OF MARYLAND IN ENGLAND. THESE "BRIEF ANSWERS", WHICH OMIT THE QUESTIONS TO WHICH THEY ARE REPLIES, MAY HAVE BEEN A PRELIMINARY DRAFT OF THE ANSWERS AS THEY ARE TO BE FOUND IN THE ANONYMOUS PAMPHLET PRINTED IN 1764: *An Answer to the Queries on the Proprietary Government of Maryland etc,* REPRODUCED IN THE APPENDIX OF THIS VOLUME (PP. 409-457). THESE "BRIEF ANSWERS" AND THE PAMPHLET "AN ANSWER" ARE MORE FULLY DISCUSSED IN THE INTRODUCTION (PP. lxx-lxxii).]

BRIEF ANSWERS TO THE QUERIES RELATIVE TO THE GOVERNMENT OF MARYLAND THAT WERE INSERTED IN THE PUBLIC LEDGER OF THURSDAY NOVEMBER 17.TH 1763

MSS Archives of Md. Portfolio 2 No. 76 Hall of Records [p. 1]

To the 1.st The Legislature of Maryland does consist of three Branches viz.t The Lord Proprietary (who is heriditary Governor) or his Lieutenant Governor appointed with the King's Approbation), the Upper House of Assembly, & the Lower House elected by the People.

2.d As the Council or second Branch of the Legislature in the Provinces of New Hampshire New York, the Jersies Virginia the Carolinaes & others of His Majesty's American Governments consists of Gentlemen nominated by the King, so in Maryland (the Jurisdiction as well as Property being by his Charter vested in the Lord Proprietary) the Members of the second Branch of the Legislature are nominated by the Lord Proprietary agreeable to his Charter & to an express Act of Assembly, As in the Governments which are immediately in the Crown the Council or Members that [p. 2] comprise the second Branch in the Legislature are liable in case of seditious Practices or other Misbehaviour to be suspended or displaced by His Majesty which had been often done, it is presumed that they may in like manner be suspended or removed in Maryland by the Lord Proprietary & indeed there have since the first Settle-

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ment of the Province been a few Instances of His exercising such Power, but good Policy must make the Proprietary very cautious in the Exercise of this Prerogative

3.d The Upper House or Council in Maryland does consist of Twelve Members, Nine of whom do hold Offices, but in value far short of the Amount suggested by the Querist, & in the other Colonies abovementioned several of the Council & their nearest Relations do hold Places of much greater Profit than any in the Disposal of the Proprietary of Maryland, nor is it to be supposed that such Gentlemen by holding those Offices are in any respect the less or worse qualified to consult for the publick Good or to serve His Majesty in the Station of Councillors

[p. 3] 4.th Tho the Members of the Upper House are nominated by the Proprietary & have probably some sense of Gratitude yet as they are at least as much interested in the general Welfare of the Province as any of the other Inhabitants & must out of Regard to their Posterity & near Relations be averse to countenancing any Encroachment of the Proprietary on the Liberty Priviledges or property of the People, it cannot be supposed that the Proprietary did he endeavour to carry any unwarrantable Schemes into Execution would find the Gentlemen of the Upper House ready to make him a Compliment at the Expence of their own honour, & the happiness of those with whom they are most closely connected, especially when they would by such a Step render themselves justly obnoxious to the Execrations of the whole Province.

5.th As the King has a Right to dissent to any Acts of Assembly made in the Crown Governments, which His Majesty often does, so the Proprietary of Maryland claims & from time to time tho [p. 4] but seldom hath by Virtue of his Charter & the Power reserved to himself by his Commission to the Lieutenant Governor exercised the power of dissenting to Laws made there & transmitted for his Approbation in which Case he gives Reasons for such his Dissent as that the Laws are repugnant to Acts of Parliament or the like & till his Dissent is published under the Great Seal the Laws continue in force; Nor can it be said with greater propriety that there are four Branches of the Legislature in Maryland & three of them in the Proprietary, than that the Legislature in Virginia or the other Colonies abovementioned consists of four Branches & that the King has three of them; but suppose there were twice as many Negatives in the Legislature of Maryland, yet if no Act could be made without the Consent of the People's Delegates their Liberties & Properties would be as well secured as if the Legislature consisted of only the Proprietary & House of Delegates for it cannot be supposed that an [p. 5] Upper House of Assembly however dependent would go greater Lengths to serve the Proprietary at the People's Expence than he would go himself the Existence then of such a Middle Branch consisting of Gentlemen bound by every Tye to promote the Happiness & true Interest of the Province cannot be a Disadvantage to it, but by their Knowledge & Experience in publick Business & their Right to oppose any wicked Measures of an oppressive Governor on one hand & to check the Violence of a Levelling popular Assembly or Tyranny of a few Demogogues on the other or prevent the evil Consequences of a Collusion between a corrupt Governor & a few Leading Men in the Lower House, an Upper House may be & indeed in such Cases has more than once proved a very necessary & useful Branch of Legislature, & prevented one part of the Inhabitants being sacrificed as it were to the Humour & Caprice of another part. MSS Archives of Md. Portfolio 2 No. 76 Hall of Records

6. If the Legislatures in most of the British Colonies consist of three Branches & if in all of them where there are three the Middle [p. 6] Branch is at least as dependant as that of Maryland which is really the Case it cannot surely be denied that there is such a similarity between them as the Upper House alledged tho the Members in Maryland are appointed by the Proprietary & in the other Colonies by the King, & the End of their Institution is the same As to the Insinuation that the King being the Father of his People cannot but that the Proprietary being only a Subject may & is likely to prosecute Claims for his own private Emolument subversive of their Rights it is quite groundless, for it is at least as much the Proprietary's Interest that Maryland as it is His Majesty's that Virginia should flourish & the only fair Conclusion to be drawn from the Circumstance of his being a Subject is that was his Disposition quite the Reverse of what it is he would not venture to take any Step which he could not justify to His Superiour & that he will be rather apt to give up something of his rightful Claims than endeavour to extend them & at once expose himself to the Resentment of an [p. 7] injured People & an offended Sovereign

7. True it is that the Lower House have in many successive Sessions offered a Bill for raising Money to support an Agent & that the Upper House have as constantly rejected it because they were not as heretofore to be allowed a Vote or share in the Nomination of such Agent nor allowed to appoint or at least an equal Sum of Money to Support One themselves, for they insist that as a seperate Branch of the Legislature they ought to have the same means of justifying their Proceedings & vindicating their Conduct as the Lower House, especially since the Lower House have given them the greatest room to believe that an Agent under their sole Direction would be instructed to represent many Matters quite different from what they really are, & to set the Conduct of the several Branches of the Legislature in a false Light. The Disputes which have arisen between the two Houses & are by the Lower made a Pretence for the Expediency [p. 8] of their having an Agent are not properly between the Proprietary

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& the People of Maryland as the querist would insinuate but between the Upper House of Assembly near half the Members of the Lower House & a very considerable part of the people on one side & a small Majority of the Lower House & with the Rest of the People on the other side, & therefore the Gentlemen of the Upper House insist that to prevent partial or unfair Representations being made by the Agent of One Party it is reasonable that the other Party should have an Agent likewise & that the Expence of both should be defrayed out of the provincial Treasury.

8. If the Lower House would have joined with the Governor & the Upper House in an Address to our most Gracious Sovereign on His Accession as had been done on similar Occasions & as they were then invited to do, or if they would on that Occasion have transmitted a separate Address to the King under Cover to the [p. 9] Proprietary His Lordship would readily have presented it, & the Reason why the Address they sent on that Occasion inclosed in a Letter to One of His Majesty's principal Secretaries of State was never presented to His Majesty was that it did not come thro the usual Channel

9.

10. The Courts of Justice in Maryland are the County Courts held four times a Year in each County, the Provincial or supreme Court held twice a Year at Annapolis, the Court of Chancery held four times a Year & the Court of Appeals which meets three times a Year.

11. The Court of Appeals, is established by Act of Assembly & receives Appeals both from the Courts of Law & the Court of Chancery.

12. Appeals are made from the County Courts to the provincial & from the Provincial & Chancery Courts to the Court of Appeals tho not often.

13. The Judges of the County Courts are the Justices of Peace appointed by the Commission from the Lieutenant Governor out [p. 10] of the principal Gentlemen in each County that are willing to act for as it is a very troublesome Office many Gentlemen decline it; they are dismissible at pleasure as are all Justices of Peace in the Kings Dominions, but as there are from Ten to Twenty of them in a County, few of them very fond of the Office & all of them desirous to stand well with their Neighbours & not a few of them Members of the Lower House there is not the least Room for a Suspicion of the County Courts being under any proprietary Influence & they are under the Tye of an Oath to pay no Regard in the Distribution of Justice to any Orders Letters or Influence whatever & if they were all inclined to violate it or to favour the Proprietary in any Instance they could scarcely do so unless they were also to corrupt the Juries who are always inclined to favour

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the Liberty of the Subject & have as it were a Negative in the Executive part of the Government.

14 The Judges of the provincial Court being Eight in Number are appointed by Commission from the Governor under the Great seal to continue during pleasure, They are Gentlemen of good Estates, of as unexceptionable Characters as any in the Province, One of them is a Member of the Council who for many Years practiced [p. 11] in the Courts of Law, four of them have no Offices whatever under the Proprietary & two of them are Clerks of Counties or Keepers of the County Records; the Business of which Offices however is entirely transacted by their Deputies, so that there is not any great Impropriety in their sitting in a superiour Court with six other Judges, nor are they treated with the less Respect on Account of the Offices they hold in their Counties. Were there indeed handsome Sallaries settled on the Judges of this Court some of the most eminent Lawyers may probably be from time to time induced to quit their Practice & go on the Bench but as these Judges are at this time allowed Nothing for their Attendance & Trouble except about Eight Shillings sterling a Day for the Time the Courts sit or sixteen pounds a Year (payable at the pleasure of the General Assembly perhaps once in seven Years) no Gentleman that has any practice as a Lawyer will choose to qualify as a Judge nor is it without some Difficulty that other Gentlemen of Capacity are prevailed on to act; These Judges are likewise under the Tye of a similar Oath with that [p. 12] taken by the Justices, & as all Matters of fact in this Court also are tried by Juries chose by Ballot out of Persons that are summoned from the several Counties it is not probable that any Partiality should in this Court be shewn the Proprietary, his Lieutenant Governor or any of the Council nor can the Author of the Queries mention a single Instance of such Partiality

15. As the Governor in most if not all the Crown Governments is Chancellor so is the Proprietary's Governor in Maryland; if he pleases he might call to his Assistance any Gentlemen of the Law who do not practice in that Court & he generally does so, & as many Decrees have been given by the present Judge of that Court & only One appealed from in the Course of more than Ten Years, it must be presumed that the Parties were satisfied his Determinations have been agreeable to Justice Equity & good Conscience.

16 In Case of Appeal from either the Provincial or Chancery Court the Appeal is made to a Court composed of the Governor & Council but if the Appeal is from the Court of Chancery in such [p. 13] Case the Governor does not sit as a Judge in the Court of Appeals, & if the Appeal is from the provincial Court then the Councillor who sat there as one of the Judges never makes One of the Court of Appeals; if either of the Parties concerned in the Cause are dissatisfied with the Determination of the Court of Appeals they have a dernier Resort & may carry the Matter home by Appeal or peti-

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tion before the King & Council, which has been sometimes done, but as there has not been one Appeal to the Sovereign in more than Ten Years the presumption must be that the Parties have been satisfied of the Justice & Rectitude of the Judgments given in Maryland; & whatever Apprehensions the Querist judging of others Hearts by his own & thereon making Calculations of Chances might have entertained lest the Gentlemen in whom the Lord Proprietary has placed a Confidence should abuse the power entrusted to them, a single Instance cannot be mentioned by him of such Abuse

V

REMARKS UPON A MESSAGE SENT BY THE LOWER HOUSE TO THE UPPER HOUSE OF THE ASSEMBLY

APRIL 4, 1762

[This very rare anonymous contemporary pamphlet, "Remarks upon a Message", which was sent by the Upper House to the Lower House on April 24, 1762, was printed in 1764. Its long full title is given below. It is reprinted in its entirety here because it relates almost exclusively to General Assembly affairs for the 1762-1765 period. It presents in vigorous language the attitude of the anti-Proprietary majority in the Lower House towards the Proprietary Government, as represented by Governor Sharpe and the Upper House, upon all the more important controversial questions at issue between the two houses of the Assembly. The reader is referred to a rather full discussion of the pamphlet, its probable authorship and place of publication, and its contents, which will be found on pages lxx-lxxii of the Introduction to this volume. Because there are only three known copies of this pamphlet, one in the Maryland Historical Society, one in the Maryland Diocesan Library, and one in the Pennsylvania Historical Society, and because of its historical interest, its reprinting seems advisable. While as reprinted here the format of the pamphlet in general has been followed, no attempt has been made to reproduce the various types used, nor has the use of italics, employed in the pamphlet for emphasis, been followed.]

REMARKS | UPON A | MESSAGE, | sent by the | Upper to the Lower | House of Assembly | of | Maryland, 1762. | Containing a Vindication of the latter, | in their Conduct relative to a Supply | Bill for His Majesty's Service; and | occasionally interspersed with some | curious and in- | teresting Particulars, respecting the Constitu- | tion of the said Province, | By a Friend to Maryland, | Quibus indiciis? Quo teste probavit? | Nil horum; Verbosa et grandis Æpistola venit, | Juvenal. | Printed in the Year MDCCLXIV

Contemporary Printed Pamphlet Md.Hist.Soc. p. [1]

Remarks, &c. **p. 3**

The Right of an Individual to animadvert upon public Measures, has never been controverted, in a free Government, but by the Enemies of Liberty, and the Patrons of Corruption. "I enjoy this great Privilege (says a political Writer) by being born in a free Government, that, as a private Man, I am not accountable to the greatest Man in the State for my Actions; but the greatest Man in the State. in a public Station is accountable to me." And it is very well observed, by another Writer of the same Class, that every Man who enjoys Property hath some Share in the Public, and therefore the Care of the Public is, in some Degree, every such Man's Concern." As this Right therefore, I presume, will hardly be contested by any but those whom I should be proud to see my Opponents, I shall make no Apology for the Talk I have undertaken. The Subject of the following Remarks, is I conceive, of too interesting a Nature to pass entirely unnoticed; and the Practice I shall endeavour to expose, may, in its Consequences, be so extremely injurious, not only to a particular Sett of Men, but to the Province in general, that I think it high Time to give some Check to it, by convincing the Authors, that although a well-timed Prorogation may prevent, or at least **p. 4** suspend the Lash of Parliamentary Correction, yet it cannot screen their unjustifiable Conduct from public Examination and Censure. A new political Nostrum has lately been introduced by our State Empyrics, which has been administered with great Success as to themselves, though I conceive with no less Danger to the Constitution of the Body Politic. It has been, for some Time past, the Practice of the other Branches of the Legislature, to introduce all their Misrepresentations of the Lower House so late in the Session, as to preclude a Possibility of replying before a Prorogation; so that, by keeping the Field of Battle, they have appeared in the Light of Conquerors to those who are either too unskilful, or too indolent to examine, with a critical Eye, into all the Operations on both Sides.

The Purpose of this low Craft seems to be, that the long Interval between the Rising and the next Meeting of the Assembly, may obliterate all Remembrance of past Injuries, and abate the Ardour of the Lower House to vindicate their Conduct; and that their venomous Calumnies may work their intended Mischief, before there is an Opportunity of applying an adequate Remedy. The last Session

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of Assembly has afforded a fresh Instance of this Sort of Artifice. A Message, relative to a Supply Bill, was sent up from the Lower to the Upper House, nine Days before the Proragation, and yet an Answer to it was returned so near the End of the Session, that p. 5 the Lower House were not allowed Time to give it a second Reading. In this Answer, I apprehend the Lower House are most injuriously treated; and the Purpose of the present Address to the Public, is to vindicate their Conduct from the many gross and groundless Calumnies, which so plentifully abound in this matchless Performance. But as if the Gentlemen had not entirely discharged their Spleen, by this Message, against the Lower House, they have assumed a new Mode of attacking them, by an Address to the Governor, the pretended Purpose of which was, to apprize him of what had passed between the two Houses upon the Subject of the Supply Bill; though the real Intention was to make, to the many Accusations contained in their Message, some few Additions, which had escaped their happy Talents for Narrative and Invention in their other Performance. I believe very few Gentlemen in that House will deny, that the Governor was as fully informed of every Circumstance, relative to the Proceedings between the two Houses, as any of their Honours; the Harmony and amicable Correspondence (for which good Reasons will appear in the Sequel) between him and them, being too notorious to admit of any other Supposition; so that the End of this Address was to exhibit a new Kind of Management in conveying their Calumnies against the Lower House, for their Adroitness in which, backed by proper Representations, I presume some of their Honours expect to be duly distinguished somewhere.

There is another Circumstance of great Disingenuity in this Ad- p. 6 dress, and that is, the Lower House cannot, by any regular Course of Parliamentary Proceeding, take the least Notice of it, because it being a Proceeding between the Upper House and the Governor, the Lower House cannot be presumed to have any Parliamentary Knowledge of it. Thus intrenched, they may discharge, with the utmost Security, against the Representatives of the People, all the Virulence and Abuse they are so much Masters of. In short, the Gentlemen may plume themselves as much as they please upon the Dexterity of their Management, but the World will give them very little Credit for their Candour in this Proceeding, which, added to the Circumstance of their foisting it in, by too great Influence on the Printer, among the Proceedings of the Lower House (as if it was a Matter within their Cognizance) favours strongly of the true Spirit of a Jesuitical Cabal, though the Expedient is too bungling, to be entitled even to the low Pretension of Cunning.

From what is premised, by Readers must be convinced of the absolute Necessity of diverting our public Disputes into a new Channel. By this Means the little Arts, which have thrown such a

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Cloud upon our Provincial Transactions, will be evaded, and the Merits of the contending Parties fairly laid before the impartial Tribunal of the Public, without being perplexed with the Forms of Parliamentary Proceedings, or obstructed by the Machinery and Influence of Government.—I will now proceed to my Remarks upon the Message, and will promise my Reader, if he is a Friend to Maryland, and a Friend to Truth, with a small Share of Sensibility, p. 7 his Disgust at any seeming Acrimony, or Intemperance of Expression, will vanish, when he has duly weighed and considered the Provocation.

Their Honours very unfortunately set out with two Allegations against the Message of the Lower House.

First, That they set up for an unrivalled Zeal for his Majesty's Service.

Secondly, That they arrogate to themselves the Rights and Powers of a British House of Commons.

First, I have perused the Message of the Lower House over and again, and cannot find any Passage in it claiming an unrivalled Zeal for His Majesty's Service. It seems to me, that their Honours have set out with a Resolution to be very prolix and long-winded, and to be determined, whenever the Message does not afford them sufficient Matter for Declamation, to supply the Defect by Fictions of their own, imputed to the Lower House, without the least Colour of Evidence. I shall not dispute their Right to treat the Creatures of their own Imagination in any Manner they think proper, but it is very hard that they should lay at the Door of others their own legitimate Issue, because it happens to be deformed. To an Allegation unsupported by Evidence, a bare Denial is a sufficient Answer, and therefore I shall decline saying any Thing on this Head, until some Passages out of the Message of the Lower House be produced to shew, that they set up for an unrivalled Zeal for His Majesty's p. 8 Service.

Secondly, Before I proceed to a Confutation of the second Charge, I must beg Leave just to take Notice, that their Honours have misrecited the Message, when they alledge, that the Lower House claim the Rights and Powers of the House of Commons. They do indeed mention Rights and Privileges, but as to Powers, it is a Word their Honours have, in the Plentitude of their Power to make the Lower House say just what they please, substituted in the Place of the Word Privileges. What Difference there is in the Import of the Terms, needs no Explanation; nor can it be supposed that their Honours intended the Alteration for any other Purpose, than to give a worse Construction of the Views of the Lower House than perhaps might have been warranted by the Word they have thought fit to discard.—How disingenuous is such a Conduct!

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I will now proceed to shew that it cannot, by the Rules of fair Construction, be deduced from any Thing in the Message, that the Lower House arrogate to themselves the Rights and Privileges of a British House of Commons, in that general and unlimited Sense intended by the Upper House: The only Privilege at present in Contest, between the two Houses, being as to the Mode of proceeding on Money Bills, the Claim of the Lower House ought to be considered as relative to this Point alone; so that the Assertion is captious and uncandid. By recurring to the Messages between the p. 9 two Houses, on this Occasion, it will clearly appear, not that the Lower House claim in general the Rights and Privileges of the British House of Commons, but that their Claim is either expressly or impliedly limited to those Rights and Privileges which regard the granting of Supplies. Their first Message runs thus—"As we are willing to depart from a strict Parliamentary Course, and for the present to wave our Rights, respecting the Mode of proceeding on Money Bills, we hope your Honours will overlook the Strictness of Parliamentary Forms, and point out your Objections," &c. Their Honours Answer shews that, at this time, they do not think any Thing more was insisted upon than the Rights exercised by the House of Commons in regard to Money Bills; for it runs thus—"It having, as the Journals shew, been usual for the Upper House not only to amend Supply Bills that had been framed in the Lower, but often to prepare such Bills themselves, and send them down for the Concurrence of the Lower House; we are confident it would not have been irregular for this House to have proposed Amendments to the Bill you were pleased to send us." The Reply of the Lower House is as follows—"We cannot but express our Sorrow, that an occasional Waver of our Rights, in respect to the Mode of proceeding on Money Bills, should serve only to put your Honours upon assuming a Right not only of proposing, but also of preparing and sending down Money Bills for the Concurrence of this House;—a Right which the House of Lords, in our Mother Country, inde- p. 10 pendent as they are, have rarely, if ever, asserted to be in them, or attempted to exercise, or if they have, the Assertions have ever been positively denied, and the Attempt to exercise the Right carefully frustrated by the House of Commons; being looked upon by them as an Invasion of the Rights and Privileges inherent in them only. The like Rights and Privileges, we do insist, are constitutionally inherent in us, as the Representatives in Assembly of free British Subjects, and we hope we shall be allowed to exercise them without Controul, unless it can be shewn (which we cannot conceive) that our dependent State upon our Mother Country (of which we are duly sensible, and in whose Determinations we shall always chearfully acquiesce) necessarily deprives us of any Part of them." Now what can, by any rational Construction, be intended by these Rights and Privileges, but the several Rights and Privileges respecting the

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Mode of proceeding upon Money Bills, the only Subject of Contest at this time subsisting between the two Houses? But yet their Honours have, upon the Authority of these Passages, charged the Lower House with arrogating to themselves the Rights and Powers of a British House of Commons, which must be understood in a general Sense, though the main Scope and Intention of the Lower House, and their Expressions also, limit their Claim to particular Privileges.

From what has been said, I hope it appears to the impartial Reader, that the Lower House, in their Message to the Upper House, have p. 11 neither set up for an unrivalled Zeal for His Majesty's Service, nor arrogated to themselves the Rights and Powers of a British House of Commons. And since the Upper House have been pleased to alledge, that the Lower House insisting upon these two Points was the Motive of their Answer to the Message, which would otherwise have passed without any Notice; and since these Allegations are not warranted, by any Thing to be found in the Message, it follows, that their Honours Answer has no Foundation at all, and that the pompous Fabrick, which they have erected with so much Labour, and decorated with their best Ornaments, is nothing but a Castle in the Air.

Their Honours are pleased to assert, "that the Claim of the Lower House to the same Rights with the British House of Commons will avail nothing, because having different Foundations, no Inference can be drawn from the Rights of one to establish the Claims of the other." Whether the Lower House are entitled generally (according to the Import of the Position) to the Rights of the British House of Commons, is not at present the Question, the Point in Dispute being the particular Rights respecting the Mode of proceeding on Money Bills. The Representatives of the Freemen of Maryland, in Assembly convened, have the Right of granting Supplies to the Crown in this Province, being essential to an English Constitution; and the Limitation of all such Grants, as to the Matter, Manner, Measure and Time, is in them only. These Rights are exercised by the Commons, but not claimed from Usage, but from this Principle, p. 12 that the free-born Subjects of England, and consequently their Representatives, have a Right to grant their own Money in their own Way. Their Honours say, that the Lower House have not a Right to the Privileges of the House of Commons, because the Foundations of the two Bodies are different. This implies, that if the Foundations were the same, the Rights would be the same. Now, as I said above, the House of Commons do not claim the Privileges respecting Money Bills from Usage, but from this Principle, that the Freemen of England, and consequently their Representatives, have a Right to give their own Money in their own Way. If the Inhabitants of Maryland are free British Subjects, then the Principle

Contemporary Printed Pamphlet Md.Hist.Soc. must be common to the House of Commons in England, and to the Lower House here, and consequently, according to their Honours own Argument, the Foundations being the same, the Privilege must be the same.

The Rights of the Lower House, say their Honours, "are founded only on the Royal Charter, their particular Usages, and the common Law of England."—I should be glad to know what their Honours Rights are founded on. Not on the Royal Charter I am very confident; not I conceive on the common Law of England, nor can they support their present Pretensions, I mean as to the Case of Money Bills, by Usage; for the Usage has been both Ways, and therefore decides nothing, but leaves the Right upon its original Principle. p. 13 But let it be supposed, for Argument's Sake, that Usage is to determine the Right, then it will follow, that the most recent Precedents ought to prevail; for although the Upper House may be able to produce some antient Precedents in Favour of their Claims, when the Representatives of the People were not so wary in maintaining their Privileges as could be wished, yet I believe, upon a View of the Journals for many Years back, they will find, that when the Lower House have, upon particular Exigences, suffered any Amendment to Supply Bills, it has been generally, if not in every Instance, with a Reservation of their Rights, which can only amount to an occasional Waver, and not to a Cession of such Rights. But if the People of Maryland, as free British Subjects, ever had any Title to this Privilege, and there has been no uninterrupted Usage to the contrary, they need not rest upon the Authority of Precedents, since their Claim stands as good and valid to this Day as it was at the first Settlement of the Province, notwithstanding any Concessions which the Arts of Government, or particular Emergences, may at Times have drawn from them.

It is contended by the Upper House, that the Representatives of the People, although they should call themselves the House of Commons of Maryland, would have no Right to deduce their Privileges from the Lex Parliamenti of the House of Commons of England, because, as they very shrewdly and profoundly observe, the two Bodies would still be distinct, that is, not the same, notwithstanding such p. 14 an Appellation. I shall not take upon me to controvert this Proposition, that there is not such a Charm in Words as to make two Things, distinct in their Nature, one and the same; but I think the Consequence is by no Means to be supported, that because there is a Distinction between two Bodies, the same Rights cannot be common to both, where they may be exercised without clashing or interfering with one another. If the Lower House have no Right to the Lex Parliamenti of the House of Commons, because they are a distinct Body, I apprehend it will just as well follow, that the Courts in this Province ought not to judge according to the Laws of England, because they are distinct Bodies from the Courts at home.—And thus, if the Reasoning of those profound Logicians were to take Place, we should be deprived of the Benefit of all the Laws of our Mother Country; and our Liberties, secured by those Laws, would be entirely at the Mercy of the Proprietor. Contemporary Printed Pamphlet Md.Hist.Soc.

It would have been much more to the Honour of the Upper House, to have rested the Matter simply upon a fair Quotation of the Attorney General's Opinion (which I shall hereafter have Occasion to mention) than to intermix their own Comments and Explanations, to make it speak more in their Favour; and thereby to puzzle and perplex what, as it stands in his Opinion, is very clear and intelligible. He thinks that Assemblies in the Colonies are not entitled to all (a Word very significant, though it seems to have escaped their Honours Notice) the Privileges of the House of Commons, not because they are distinct Bodies, but because their Constitutions are fundamentally different. p. 15

This is plain good Sense, and what all reasonable Men will subscribe to; but as to what their Honours have dressed up, upon this Occasion, I will leave the World to give it a Name.

I shall dismiss this Point with observing, that from whatever Source the Privileges of the Lower House are derived, I think it is most clear, that if, according to the Allegations of both the Governor and the Upper House, in the Year 1721, our Constitution was framed upon the Plan of the English, there ought to be the same relative Privileges between the Upper and Lower Houses here, as between the House of Lords and House of Commons in England; for which Reason, if the Lower House ought to have fewer Privileges than the House of Commons, the Upper House ought, in the same Proportion, to have fewer Privileges than the House of Lords, since, if the Lower House alone are to be reduced in their Privileges, the Analogy must drop, the Equilibrium of an English Constitution be destroyed, and the Weight of the Proprietor be increased beyond its due Proportion, as every Addition to the Power of that House is indubitably an Accession to his Weight in the Scale of Government.

The Upper House, in the third Paragraph of their Answer, have given an historical Account of the Assessment Bill, which they "alledge was three Times sent up to the Upper House, and by them returned with a Negative, upon which the Lower House, apprehend that the Sincerity of their earnest Desires, so often expressed, to raise Supplies, &c. began to be doubted, to obviate these unfavourable Impressions, &c. desired to have the Objections of the Upper House, and promised that they should have their due Weight. The Upper House did accordingly send down their Objections, to which the Lower House, in order to manifest their earnest Desire to raise Supplies, &c. paid no Regard, but endeavoured to answer them." p. 16

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The whole of this Charge amounts to this, that the Lower House did not implicitly acquiesce in the Objections of the Upper House, but presumed to enter into a Dispute on the Weight and Pertinency of them; whence it is inferred, that they had not that Regard for His Majesty's Service which they pretended; but this is a mere gratis dictum, for if the Lower House were not satisfied that the Objections offered by the Upper House were well grounded, an Acquiescence in such Objections, and a Departure from a Plan which they thought right, would have been a slavish Submission, unbecoming the Representatives of a free People, and a base Prostitution of the Rights incident to their Station. The Upper House have, in this Message, gone a Step higher in their Pretentions that they ever did before, for they not only claim a Right of objecting to Money Bills, but that their Amendments shall be implicitly adopted; and that, as they are the Standards of Loyalty, and the constitutional Guardians of the Peoples Liberties, every Deviation from their good p. 17 Will and Pleasure, is to be branded with Disaffection to the King, and an Attempt to subvert the Liberties of the Subject; for they go on and say, "would not they (the Lower House) had they been really desirous of granting his Majesty the demanded Supplies, have given some Indications of that Desire, by their Conduct?" How? In taking proper Measures to adapt a Bill for that Purpose, to the Approbation of the Upper House." This indeed is talking in an unusual Strain of dictatorial Insolence. The Lower House, it seems, are not to consider the Equity of the Mode, they are not to exercise their own Judgments in framing of Money Bills, but they are to take proper Measures to know the Sense of their Masters, and to be the serville Instruments of carrying their arbitrary Dictates into Execution; so that they would be just in the same Situation with the Parliament of Paris, who have nothing to do but to know their Master's Will, and to publish their Arrets accordingly.

But the Reason they give, why the Lower House should not have persisted in what they thought right, is very curious, and furnishes a further Illustration of the arbitrary Schemes of those Gentlemen, in subjecting the Lower House to their Controul; and that is, that the Lower House could not be so ignorant, as to imagine it could pass into a Law without their Consent; the plain Import of which is, that the Lower House ought therefore to send up a Bill which they knew would be agreeable to the Upper House. This is in one Word p. 18 to exclude the Lower House from being a Branch of the Legislature, for if it is the Duty of the Lower House to frame Bills agreeable to the Sense of the Upper House, because without their Concurrence there can be no Law, the Lower House is a mere Cypher in the Constitution, and may as well send up a Charte Blanche to the Upper House, and receive any Bill they shall think fit to frame, as to send up a Bill, and then submit to any Alterations they shall propose,

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because forsooth no Bill without their Assent can pass. So that what is fit and right should never be considered by the Lower House, but what may suit the Palate, or meet with the Approbation of the Upper House, should be the only Rule of their Measures, in the Forming of Bills. But it is asked, why have the Lower House sent up a Bill upon the same Plan which has been so often rejected by the Upper House? The Answer is obvious; because they thought it a good Plan, and the only Mode by which a fair equitable Taxation could be established, and while they entertain the same Opinion of it, they will ever be justified in adhering to it. But suppose the Question should be retorted, Why have the Gentlemen of the Upper House rejected it so often? How does it comport with such repeated Professions of Loyalty to his Majesty, to reject so frequently such liberal Grants from the Representatives of the People? I'll give their Answer from their own Message; because it is, say they, (without attempting to give a single Reason for their Assertion) a confused, absurd, unjust, unequal, and oppressive Assessment. But why did the Upper House, when invited by the Lower House to make p. 19 their Objections, if in the Course of their Consideration of that Bill any should occur to them, when the Lower House acknowledged that the Bill was intricate in its Nature, and therefore might possibly be liable to Objections; why, instead * of misreciting this Passage, and descending to the low Buffoonery of echoing it back, at every Turn, with an Air of Triumph, did they not endeavour to point out what to them appeared confused, absurd, unjust, unequal and oppressive?

And why did they content themselves with such general Objections to the Bill, and avoid attempting to reform what to them appeared exceptionable, merely because a bill upon the same Plan had been adhered to by a former Lower House? The Bill itself is considerably different from that framed in 1758; the Foundations of some of the Upper House's Objections to that Bill are confessedly avoided in this, and in the present Lower House are a good many new Members; all which are Incidents which might reasonably have induced the Upper House to have entered into particular Objections to the p. 20 Bill, had they not been determined, at all Events, to reject the Assessment Plan.

Upon this State of the Matter, I think the Dispute might be rested much to the Advantage of the Lower House; for whatever

* Message of the Lower House, April 9, 1762: "We have formed it on such a Plan, as to us seems most suitable to the Circumstances of our Constituents, and in such a Manner as we conceive the best adapted to the Nature of the Plan; but as in a new System of such a Length, and of an intricate Nature, some Parts may possibly be found liable to Objections, which may have escaped us; and as we, out of a sincere Regard for his Majesty's Service, and an earnest Desire to effect a Termination of that Difference of Sentiment, which has unhappily too long subsisted," &c. [This appears as a footnote in the original.]

Message of the Upper House, April 24, 1762: This Plan you so lately as your Message of the 9th Instant, call "a new System, intricate in its Nature, and liable to Objections, which you suppose may escape your House." [This appears as a footnote in the original.]

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Faults there might have been in the Bill, yet as the Lower House, by an express Message accompanying it, requested the Upper House would point out their Objections, and at the same time gave them an Assurance of their Readiness to make Alterations to Passages justly exceptionable, the Upper House, by declining any Measures of Accommodation, have made themselves answerable for all the bad Consequences attending the Miscarriage of the Bill.—But now let us consider this Matter in another Light. The Lower House have sent up a Bill nine Times to the Upper House, which the latter have as often rejected. Each House throws the Blame on the other, that nothing has been done for His Majesty's Service; and as the Dispute is inflamed to a great Degree of Animosity, there is very little Prospect that the two Houses should ever come to any Agreement on this Subject. What then is to be done? Which of the two Houses is to recede? Let us suppose that both Parties think themselves right, and then we cannot but applaud the Firmness of both, in adhering to their respective Opinions. But it has been urged, that the Upper House have the Opinion of the late Attorney General in their Favour, and this ought to turn the Scale, and induce the Lower House to alter their Mode of Taxation; to which I answer— p. 21

First, That notwithstanding all the Asseverations which have been published to the contrary, it appears most clearly, from the Opinions of the Attorney General, laid before the Lower House, that he did not give them upon a View of the Bill and Messages between the two Houses, but upon a Case stated, because he expressly refers to such a Case *.

Now as the Opinions were sent down by the Governor to the Lower House, it follows that the Case, on which those Opinions were founded, must have been stated by the Proprietor's Adherents, and consequently in a Manner to countenance, as much as possible, the Claims of his Lordship.

It is well known, that very minute Differences, in two Cases relative to the same Matter, may produce Opinions totally repugnant, and yet both right. With little Reason then can it be alledged, that an Opinion thus procured ought to have any Weight in influencing the Lower House to depart one Tittle from what they had before asserted. If indeed the Government and the Lower House had concurred in stating a Case, and submitting all controverted Points to the Determination of the Attorney General, it might have been contended, with some Reason, that his Opinion ought to be decisive.
p. 22 But would any Man of common Prudence, in the petty Concerns of private Life, suffer the smallest Part of his Property to be affected by the Opinion of a Lawyer, procured by the Ex Parte Representation of his Opponent? With how much more Reason then is

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* Attorney General's Opinion: "Having given my Sense upon each of the Objections, so far as they have been taken up and maintained by the Upper House, in the Margin of that Part of the Case, I shall only add here," &c. [This appears as a footnote in the original.]

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such a Rule to be rejected, where the essential Interests of a Community are concerned? But let us carry this Matter to its fullest Extent, and see what may be the Consequence of admitting such a Rule at all. If it is to be introduced in the present Instance, why is it to be excluded on any other Occasion? It ought then generally to be admitted, or not at all; because no Reason can be assigned for the Admission of it in one Case, which may not be extended to any other. The Rule then contended for is, that upon any Dispute between the Proprietor and People, the Proprietor is to state the Case as he thinks fit, and procure the Opinion of learned Council at home; and this being communicated to the People, is at once to silence all Objections, and to produce an implicit Acquiescence. Now even supposing the Cases to be ever so fairly stated, what would be the Consequence to the People, under the Administration of an intriguing, oppressive Proprietor? If the Opinions of Council were favourable to his Claims, no Time would be lost in communicating them to the People; but if, on the contrary, what he contended for should be thought an Invasion of the Peoples Rights (the whole Business between him and his Council being transacted in the most private Manner) the People would never hear a Syllable of the Matter, but the Opinions would be concealed, with the utmost Care, p. 23 in the Sanctum Sanctorum of his Cabinet. From all these Considerations then, the Consequence is irrefragable, that the Upper House, in insisting upon the Opinion of the Attorney General, as a Matter which should operate strongly on the Proceedings of the Lower House, have endeavoured to establish a Rule, by which the People may lose all their Privileges, without the remotest Probability of gaining any Advantages; and hence we may conclude (without any farther Scrutiny into their Conduct) with what just Pretensions they assume the pompous Title of being, both by Inclination and Constitution, the Guardians of the Peoples Liberties.

Secondly, But even upon a Supposition, that the Opinion had been obtained upon a fair State of the Case by the Proprietor, I shall declare, without any Reserve, that it ought not to have had any Weight with the Lower House, farther than the Reasons adduced in Support of it might seem to carry; I mean, that it ought not to have been submitted to, as an authoritative Rule, and for this plain Reason, because the People have a Right, and indubitable Right, to appeal to His Majesty in Council. As this Right was incontestibly proved, in the last Session of Assembly, in an Address to the Governor by the Lower House; and as it is the peculiar Fate of this Colony to be excluded from the Exercise of it, they ought, instead of admitting the Substitution of any unconstitutional Authority, in the Decision of their Disputes with the Government, to adhere to this Right firmly p. 24 and invariably, in full Confidence that His Majesty has too much Wisdom, and too high a Regard for the Privileges of His People, Contemporary Printed Pamphlet Md.Hist.Soc. to determine any Points which may affect their Interests, without giving them every Opportunity, which the Principles of our Constitution may warrant, of being heard in their own Defence.

The late Lord Chancellor, in the Introduction to his Decree between the Proprietors of Maryland and Pennsylvania, declared that the Cause, in Point of Importance, was fitter for the Decision of a Roman Senate, than of a single Judge; and yet this was a Cause respecting only the private Interests of two Individuals. If Authority so respectable can be relied upon, with what Face can it be contended that a Cause, involving the most invaluable Privileges of a whole Colony of His Majesty's faithful and loyal Subjects, is to be decided by the Opinion of a private Council; And how much greater is the Absurdity, when it is asserted, that the Lower House ought to yield an implicit Obedience to such an Opinion, procured at the Instance and partial Representation of the Proprietor, of whom, in Point of sound Policy, we ought ever to be jealous.

I have heard it frequently objected to the Lower House, that they exhibited a Proof of the greatest Obstinacy, in shewing so little Regard to the Opinion of the Attorney General; and yet I think it demonstrable, that they could not have been guilty of a greater Breach of Trust, or established a Precedent more destructive to the
p. 25 Peoples Liberties, had they suffered it to have any influence on their Conduct. It has, on all Occasions, been sounded in our Ears, as the Opinion of His Majesty's Attorney General, as if his Rank was to inforce our Obedience, though it cannot be regarded in any other Light than the Advice of a private Lawyer. The People of Maryland are His Majesty's Subjects. It is the Spirit of their present Representatives to suffer no Invasion of their Rights, by giving any Countenance to unconstitutional Jurisdictions. They have too high a Sense of the Duty they owe to their Constituents, to permit their most essential Privileges to be controuled or abridged, by any extrajudicial Power whatever. To His Majesty, as their common Father, they desire most ardently to appeal, and will most dutifully submit. This Point they have, for many Years, endeavoured to compass, but have always miscarried. As it is certainly the Right of His Majesty to be informed most fully in every Case which He is to decide, and of the People to lay their Complaints freely before Him, how strange is it that the Guardians of the Prerogatives of the Crown, and the Liberties of the People, should have been the constant Instruments of defeating so salutary a Measure? And how inconsistent must their Conduct appear, in violating so hastily this new-assumed Duplicity of Character?—Having then, I hope, to the Satisfaction of every considerate Reader, proved, that the Attorney General's Opinion ought not, in this Case, to have any Weight in the Scale of the Upper House, which reduces the Merits of the two
p. 26 Houses to an Equilibrium; I will now endeavour to throw some

Weight into the opposite Scale, in which, if I succeed, the Merits of the Lower House will preponderate.

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Let us then take for granted, at present, that the Conduct of both Houses, in relation to the Assessment Bills, has proceeded entirely from Principles of Conscience; and that the Lower House were right, in persevering in a Mode of Taxation which they thought most equitable; and that the Upper House were equally right in rejecting it, because they thought it unequal, and pregnant with Oppression. What is to be done then, when the Branches of a dependent Legislature cannot come to any Agreement, in Matters of the highest Importance to the Interest of the Community? Is there no Mode of Proceeding established in our Constitution, by which Obstructions to all public Business, arising from such an unhappy Contrariety of Sentiments, may be removed? I apprehend there is, but I deny that the Opinion of a Lawyer, upon a Case stated ex Parte, or upon any Case whatever, is the constitutional Mode of settling such Differences, and I hope I have proved it is not, to the Conviction of all who have not shut their Eyes against Truth. I will take upon me to assert then, that we have a Right, in all such Cases, to appeal to His Majesty in Council, as the only proper and constitutional Judicature, for the Decision of all public Contests between the Government and People in the Colonies. This being admitted (and I think few will be hardy enough to dispute it) let us consider what has been the Conduct of both Houses upon this Head. There has been scarce a Session, since the Commencement of the War, that the Lower House has not sent up a Bill to the Upper House, for the Support of an Agent in London, with a View of laying the Grievances of the People before His Majesty, and bringing all their Disputes with the Government to a final Determination; but this Bill, reasonable as it is, and most indispensibly necessary to the public Peace and Welfare of the Colony, has never been so fortunate as to meet with the Concurrence of the Upper House; the very last Session having produced a fresh Instance of their determined Resolution to keep from the People the only proper Means of carrying their Complaints before His Majesty, and producing a definitive Accommodation of all the Disputes, which have so long distracted our public Consultations,, and kept the Province in a continual State of Languor, Animosity and Disunion. If then the Misunderstanding between the two Houses is, in the Opinion of every Man of common Observation, irreconcilable among themselves, and has been so for many Years past; if the Lower House have made use of every Opportunity, since the Commencement of the War, of pushing for the only Expedient for the Establishment of Harmony between the several Branches of the Legislature, by submitting their Disputes to His Majesty's Decision, and if this Measure has always been defeated by the Upper House, I think, without entering into any formal Discussion of the Merits of the Bill, it

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Contemporary Printed Pamphlet Md.Hist.Soc. p. 28 must appear, to the Eye of unprejudiced Reason, that the poor and contemptible Figure this Province has made, in giving so little for His Majesty's Service, is entirely imputable to that Branch. If the Bill for the Establishment of an Agent in London had passed the Upper House in the Beginning of the War, there can be no Doubt, but that our unhappy Divisions would have long ago yielded to a cordial Co-operation of Endeavours for the public Good, among the several Branches of the Legislature; and I dare venture to affirm, that no Colony in America would have exhibited a more active Zeal for His Majesty's Service than the Province of Maryland, notwithstanding the false Impressions which may have been received, by Strangers to the true Reasons of our disunited State. The Charge then of the Upper House against the Lower House, that they had sent up the same Bill for His Majesty's Service nine Times, does, in my Apprehension, retort strongly upon their Honours, because it has been owing entirely to them, that the Disputes between the two Houses were not settled long before this Time by His Majesty; that the Breach between them is as wide now as it was several Years ago; and the Prospect of an Agreement as remote as ever. So that in the Language of the Upper House, "the second and third Meetings in Assembly, for the like Purpose, influenced by the like earnest Desire for His Majesty's Service, produced the like Bill in the Lower House, which from the Upper House met with the like Fate"—Let their Honours remember, that in the Beginning of the p. 29 War the Lower House sent them up a Bill for the Support of an Agent in London, which they were pleased to reject, and that sundry succeeding Meetings produced in the Lower House a like Bill, for the like Purpose, which the Upper House, influenced by the like earnest Desire to submit all Disputes to His Majesty, thought fit to treat in the like Manner, and while their Honours continue to entertain a like Confidence in the Goodness of their Cause, it is easy to foresee, that all future Meetings will be attended with a like Fate. I will just state the Case in two Words, and trouble the Reader no farther upon this Point. The Lower House have sent up a Bill, which they think a reasonable and equitable One. The Upper House have rejected it, because they think it unjust and oppressive. Say the Lower House, we will appeal to His Majesty, and let Him decide between us. No, say the Upper House, we will submit to no such Appeal.

In the same Paragraph is this remarkable Passage: "Why then, when other Plans, more just and equal, less intricate in their Nature, liable to fewer Objections, and infinitely less dangerous to the undoubted Prerogatives of the Crown, and Rights and Liberties of the People, than their Favourite Assessment Bill, were framed, and proposed to those Houses, why were they no sooner proposed than voted out; but that whatever were their Professions, they had no Intention of raising Supplies for His Majesty's Service, nor of affording this House an Opportunity of coming to an Agreement with them, at a less Expence than that of His Majesty's Prerogatives, and the Peoples Liberties, by a total Subversion of our present Constitution, and lodging the several Powers thereof, now equally distributed for the Preservation of the Whole, in their Hands? And if their warmest Professions appear thus destitute of Truth and Candour, what Regard are we to pay to those so often repeated by yourselves?" I have given you the Passage entire, because it is a Master-Piece, both as to Language and Matter. It puts me in Mind of a little Country Court Attorney, who has a Right to speak last in a Cause, and from that Confidence fumes, bounces and bullies, treats his Antagonist with all the Billingsgate of the Bar, loads him with Calumnies and indecent Reflections, and utters, in a Style of declamatory Vehemence, whatever may tend to blacken and vilify the other Party, without the least Regard to Truth, Candour, or common Decency. Some of the Dirt may stick, a gaping Jury may be deluded and misled by the last Word, or if he should miss of both these Aims, his Zeal will certainly recommend him to his Client, and confirm him in his Business. When the Sentiments and Diction of this choice Groupe of rhetorical Ornaments, and the Circumstance of an immediate Prorogation upon the Back of the Message being sent down, are considered, the Similitude so far holds good, and the blustering Pettifogger stares us in the Face. But it must be confessed, that the Views of recommending and confirming, are Circumstances which cannot be admitted into the Comparison, because the Upper House being an independent Branch of the Legislation, and the constitutional Guardians of the Peoples Rights, cannot be supposed to be under the Motives which those Words seem to intimate, so that, except for filling up a Chasm, and rounding the Period, they might as well have been left out.

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It is easy to affirm, but often hard to support that Affirmation by the Facts themselves. The Supply Bill, here so much abused, is printed, and brought to public View; and I need give the first Part of this extraordinary Passage, that is, "That other Plans, more just and equal, less intricate in their Nature, and liable to fewer Objections than the Assessment Bill, have been heretofore proposed to the Lower House, and no sooner proposed than voted out," no other Answer, than to let the Reader know, that the other Plans here alluded to, and I believe the only Ones that have been openly proposed since the Mode of Taxation has been under Contest between the two Houses, are the three following, and let him make the Comparison himself. The first was in February, 1755, for a general Pole Tax of One Shilling and Six-pence per Pole, for raising the Sum granted; which was voted out Thirty-six to Ten. The second was in March Session, 1758, by which the Money was proposed to

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be raised by a "Tax upon all Ferriages, a Tax upon all Pilots, a Tax upon all Taxables, with an additional Tax upon Negroe Taxables, a Tax of a certain Sum on Land by the Hundred, a Tax upon all lucrative Offices and Places of Profit, Benefices and Professions, a Tax upon all the Proprietary Manors, reserved and leased Lands, allowing the Proprietors of Lands to have a Deduction of Part of the Quit-rents, and all Debtors a Deduction of Part of their Debts." The last was in April, 1759, by "a Tax upon Land, a Tax upon all the taxable Inhabitants of this Province, an additional Tax upon all Negroe Taxables, a Tax upon all Ferries and Pilots, to be licensed by Virtue of this Bill, an additional Tax upon all Wheels, a Tax upon lucrative Offices, Places of Profit, Benefices and Professions, a Tax upon all Clocks, Watches, Saddle Horses and Mares, and a Tax upon all Perukes." A Mode of Taxation was necessary to be established, upon some settled, equal Plan, which, when once found and experienced to be just, might stand and continue, in all future Time, as a Precedent and Foundation, whenever we should be called upon to raise Monies for His Majesty's Service, and thereby avoid all farther Altercations or Delays, on such future Demands. Could then the People of Maryland, on this Occasion, do better than imitate, as near as their Circumstances would possibly admit of, the Wisdom of their Mother Country? They took the Plan of the Land Tax in England for their Guide, and have drawn their Bill as agreeable to it as they possibly, in their different Circumstances, could frame it, and so as that all Property, as nearly and equally as may be, in whose ever Hands it was, should contribute to its own Defence. p. 33 Had this Plan been once permitted to have been carried into Execution, we should have seen what the Country could have raised, by a certain Poundage upon their whole Property, and on any future Occasion, the Legislature would have had nothing to do but consider the Sum necessary to be raised, and settle the Poundage, and the whole Business might have always been done with Dispatch to His Majesty's Requisitions, Harmony in the several Branches of the Legislature, and very little Expence to the People. The present Lower House say, that their Bill was such an One as would have produced all those good Effects, and, in its present Form, framed so as to be clear of all the reasonable Objections made in 1758 to the Bill, as it then stood. By all the last mentioned Plans, there was to be a very partial, unequal, and, in some Cases, a double Taxation of particular Kinds of Property, whilst many other Kinds, which might be possessed by quite diffent People, were wholly untouched; did not it then shew a just Spirit of Equity in the Majority of the Lower House, no sooner than such partial and unequal Plans were proposed, to vote them out?

Their Honours seem, in this Passage, to have discharged their whole Artillery against the Lower House; but notwithstanding the

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dreadful Hurley-burley it makes, it is nothing but an harmless Explosion of Wind. Whatever they may think of the Matter, there is a mighty Difference between Argument and Declamation, between the Evidence which reasonable Men require, and that Vehemence of p. 34 Asseveration, which is so apt to impose on the Minds of the Unthinking. How little to be envied is a Performance, the Labour of nine Days, when the whole may be refuted by a bare Denial. The Passage in Question might well be excused, for this Reason, from any Notice, had there not been an Allegation in it, which seems to have been inserted with a peculiar Malignity of Design; and that is, that the Lower House, by the Bill, have endeavoured to destroy His Majesty's Prerogatives. Upon the most diligent Attention to the Bill, in all its Parts, I cannot find the least Foundation for this Charge. In short, it seems so entirely groundless, that I might safely leave it, to be confuted by itself, to every Man of common Understanding in the Province; but it will be necessary to make some Remarks upon it, since the View of the Authors seems to extend to a remoter Region, where an Assertion, uttered with so much Confidence, might have some Chance of gaining Credit, though at the Expence of being branded, in this Part of the World, with the just Appellation of the most shameful Contempt of Truth, and the most virulent Malice. What other Motive could their Honours have, in taxing the Representative Body of Maryland with an Attempt to trample upon His Majesty's Prerogatives, but to render the Province odious in the Eyes of our Mother Country, by representing their Delegates as little better than Rebels and Traitors. This Message, as I observed before, was thrown in just as the Assembly was rising, and after the Lower House had given the Governor Notice that no public p. 35 Business lay before them; so that they could have no Opportunity of replying to it, although they were loaded with the most injurious Calumnies. One would have expected an Extract of some Clauses from the Bill, to support a Charge of so heinous a Nature; but as there was nothing of this Kind in it, they have very boldly asserted it, relying upon the Credulity of the People in England, and the Supineness (of which they have had too much Experience) of those who have had a peculiar interest in obviating and exposing such cruel and groundless Reproaches.

For the Ease of the Person who shall undertake to answer these Remarks (if any Answer should be deemed expedient) I will lay before him, in one View, this and sundry other Allegations, of a like Tendency, interspersed up and down in the Message of the Upper House, which I humbly apprehend to be entirely groundless, and do call upon him, in this public Manner, to produce his Proofs in Support of them, by Passages extracted from the Bill, viz. That the Lower House never intended to raise Supplies for His Majesty's Service, unless at an Expence which His Majesty would consider as beyond all Proportion above their Worth.

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That by rejecting the Bill, they (the Upper House) supported His Majesty's Rights against Usurpation.

That by assenting to the Bill, they should give up his Majesty's Prerogatives, subvert the present Constitution, and introduce the numberless Evils consequent upon all the Powers of Government p. 36 being lodged in the Hands of the Lower House.

That the Lower House would give no Assistance, unless purchased at the extravagant Price of His Majesty's Prerogatives, and the Peoples Liberties thrown into their Hands by the Bill.

That the total Subversion of our present Constitution was intended by the Bill, and lodging the several Powers thereof in the Hands of the Lower House.

If those Charges can be fixed on the Lower House, I think their Conduct liable to the severest Censures, and the Men who have been instrumental in promoting such Measures, deserve the most signal Marks of his Majesty's Displeasure, as well as the Contempt and Abhorrence of all their Fellow Subjects. But if, on the other hand, these hardy Allegations are not to be supported by any Thing in the Bill, what do their Honours deserve for such cruel and ungenerous Misrepresentations? Could nothing less gratify their Spleen against a particular Sett of Men, who happen to differ from them in political Sentiments, than the Imputation of Schemes and Designs to strip His Majesty of His Prerogatives, and to subvert the present Constitution? What is this short of charging the Representatives of the People of Maryland with being downright Traitors and Rebels? When Parties run high (which, God knows, is the unhappy Case of Maryland at present) great Allowance is to be made for the sudden and extemporaneous Starts of Passion, in the personal Contests and Altercations which may happen among the p. 37 Abettors of different political Opinions; but in this Case there is no such alleviating Circumstance. A Body of Men, a Branch of Legislature, distinguished by the Appellation of The Honourable, affecting, in Point of Constitution, a Similarity with the House of Peers of Great-Britain, and claiming higher comparative Privileges than they pretend to exercise, after a profound and solemn Deliberation of nine Days, are at last delivered of a low, pitiful Rhapsody, teeming with Billingsgate Invective contemptible for a Diction perplexed, creeping and insipid, and totally void of Argument, Truth, and Parliamentary Decorum. Similes habent labra lactucas; such Lips, such Lettuce, said the Philosopher, on seeing an Ass mumbling a Thistle; such a Subject, such Penmen, say I; in Truth they are well matched, and God grant so wretched a Cause may never find more able Advocates. If the Objects of the Bill had been a total Subversion of the Constitution, the Destruction of His Majesty's Prerogatives, and a Usurpation of all the Powers of Government, I dare say they would not have escaped the Animadversions of the Penmen of 1758, who would have been as quick-sighted in spying such exceptionable Passages, and as ready in pointing them out precisely, and exposing their fatal Tendency, by apposite Remarks and Arguments, as the Authors of the present Message have been hardy in imputing them, without the least Colour of Evidence, to the Lower House. There is, I will venture to assert, nothing in the Bill, which can give any Countenance to the Charge of encroaching upon Prerogative, or claiming any Share of the executive Powers of Government, unless it be the Nomination of Commissioners. And what does the much boasted Opinion of the late Attorney General declare upon this Point? Why—"That the sole Nomination of these Commissioners, who are new Officers appointed by this Bill, belongs neither to the Proprietor nor the Lower House, stricto Jure; but, like all other new Regulations, must be assented to by both, but can be claimed by neither. The Proprietor's Charter intitles him to nominate all constitutional Officers, and all others, which by the Laws are not otherwise provided for. But I do not conceive my Lord has any original Right to nominate new Officers, appointed for the Execution of a new Law, without the consent of the two Houses; nor, on the other hand, have the Lower House any such independent Authority, and therefore I think the Upper House are right, notwithstanding this Claim, in which they ought to be supported by the Proprietor, because it is unreasonable for one Branch of the Legislature to assume a Power of taxing the other, by Officers of their single Appointment." Here it is explicitly declared, that the appointment of Commissioners is not comprehended among the Prerogatives of the Proprietor, but should be made by the Concurrence of the several Branches of the Legislature. If this be the Case, how was there, in this Instance, any Attempt to invade His Majesty's Prerogatives? The utmost it can amount to is, that the Lower House, by their Bill, infringed the Parliamentary Rights of the other Branches, in not admitting them to an equal Share in the Nomination of Commissioners, because, says he, "it is unreasonble for one Branch of the Legislature to assume a Power of taxing the other, by Officers of their single Appointment." This, I say, can have no Relation to any Thing but the Parliamentary Privilege, in this Instance, reciprocally subsisting between the several Branches, and can, by no Torture of Expression, be construed to extend to an Invasion of the Prerogative, which is always exercised independently of either Branch.—I cannot help making one Remark upon an Expression in the Opinion of the Attorney General, and that is the Word unreasonable, applied to the Conduct of the Lower House. One would have thought, that a Person who is so peculiarly obliged, by the Duties of his Office, to guard the Prerogatives of His Majesty, in animadverting upon a Passage, which the Upper House

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must make the Basis of their Charge, would have made Use of an Epithet better adapted to that Spirit of Undutifulness and Disloyalty, which their Honours have so freely imputed to the Lower House, had there been, in his Opinion, the least Foundation for it. As I think I have, to the Conviction of every unprejudiced Understanding, cleared the Lower House from the Imputation above mentioned, I hope I shall stand acquitted of unjustifiable Acrimony, when I declare that their Honours, or rather the few by whose Opinions they are directed, have, in this Instance, departed from the Char- p. 40 acter of Gentlemen, by charging the Lower House (without the least Foundation) with a Conduct repugnant to their Duty to His Majesty, and inconsistent with our dependent State on our Mother Country.

In what entire Security the Upper House wrote their Message, how much they despised their Adversaries, and how little they consulted the good Opinion of the World, the following Passage is an astonishing Proof.—"We claim to be, and are in equal Degree with yourselves, the constitutional Guardians and Protectors of the Peoples Liberties." Fine Words! I wonder where you stole them.—

> Could nothing but your chief Reproach
> Serve for a Motto? Swift.

To confute this shameless, this impolitic Allegation, nothing more will be necessary than a short Enquiry into the Nature of this Part of our Constitution, whence I think it must appear, that human Sagacity could not have devised a Branch of Legislature more absolutely dependent upon the Proprietor, and under a stronger Influence, from the very Nature of their Frame, to obey implicitly his Dictates, than the Upper House of Assembly. It will be needless to enter into any nice Disquisitions on this Subject, since a bare mention of some Facts will prove, beyond all Contradiction, the absolute Falsity of this new Claim, and how little these Gentlemen were under the Controul of that Spirit of Decency and Truth, which they so warmly recommend to others, when they could vent p. 41 an Assertion so affrontive to the common Sense of Mankind.—The Facts I mean are then,

First, That they owe their Existence entirely to the Proprietor, since he has the sole Right of appointing Counsellors, who, in Consequence of that Appointment, become Members of the Upper House.

Secondly, That as the Proprietor has a Right to create, so he claims, and has exercised, a Right to discharge, at his Will and Pleasure, the Members of the Upper House.

Thirdly, That it has been, is at present, and probable ever will be, the Policy of the Proprietor to dispense his most valuable Favours among those Gentlemen, thereby more effectually to secure them to his Interest, all which Offices they hold during Pleasure, and are of considerable Value.

First, That the Proprietor has the Appointment of Counsellors, is too notorious to need any Proof.

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Secondly, For Proof of the Proprietor's Power to remove Counsellors, and consequently the Members of the Upper House, at his Will and Pleasure, I must beg the Reader's Patience, while I lay before him the famous Case of the late Thomas Bordley, Esq; as far as it is pertinent to this Point, which stands as follows.—

Part of the Governor's Speech, Feb. 20, 1721.

Gentlemen of the Upper House of Assembly,

"In relation to Mr. Bordley, I must let you know, that my discharging him from giving me farther Counsel, is not designed to affect him as a Member of your House, if, as such, he has a Right p. 42 to sit therein, which Point I desire you will enquire into, and inform me of your Judgment therein, that Justice may be done."—

The Answer of the Upper House, Feb. 23, 1721.

"We find, by inspecting our Journals, that the Upper House of Assembly for this Province, under a Proprietary Government, was always composed of such Persons as were Members of his Lordship's Honourable Council, and that, and that only, Qualification, is, and has been thought necessary to impower any Person to act as a Member of that House. We are therefore humbly of Opinion, in Reference to Mr. Bordley, that if he be legally discharged from being a Member of His Lordship's Council, he is thereby disabled and deprived of the Privilege of acting as a Member of the Upper House of Assembly." Annapolis, February 23, 1721.

"Mr. Bordley (being sent for) appears, and being asked by His Honour, whether he conceived and insisted on it, that by Virtue of his Honour's Letter, of the Fifteenth of September last, he was discharged from being a Member of the Council? answered, that when he received the said Letter he did think so, and that he was of the same Opinion still; and then withdrew."—After Mr. Bordley had withdrawn, his Honour expressed himself as follows.

Gentlemen of the Upper House,

"As the Lord Proprietor has an undoubted Right to discharge as well as make a Counsellor, and that his Appointment of one is p. 43 the only Qualification by which he is a Member of your House; I am of your Opinion, that Mr. Bordley's being discharged from the Council, of course discharges him from the Upper House of Assembly. And as to the Legality of what is done, I have particular Instructions from his Lordship relating to Mr. Bordley, with a full Power of dismissing him.

Charles Calvert."

Contemporary Printed Pamphlet Md.Hist.Soc. An Address of the Upper House of Assembly presented to his Honour the Governor by Colonel William Holland, one of their Members, viz.

To the Honourable Charles Calvert, Esq; Governor of the Province of Maryland, The humble Address of the Upper House of Assembly.

May it please your Honour,

"Your Honour's asserting his Lordship's undoubted Right of discharging any Members of his Lordship's Honourable Council from acting as such (of which we never in the least doubted) together with your acquainting us, that you had a particular instruction from his Lordship in Relation to Mr. Bordley, and a full Power to dismiss him, thereby to convince us of the Legality of his Discharge, induces us to apprehend, that your Honour resents our making it a Question, in our Answer to your Speech at the Opening of this Session, whether he was legally discharged or not? And therefore, in the humblest Manner, we think it our Duty to represent to your Honour, that p. 44 we could not well answer the Question proposed to us, without that Reserve. For as your Honour had never been pleased to communicate to us your Reason for discharging Mr. Bordley, the Manner of doing it, or the Power his Lordship had given you for that Purpose, and for that his being a Member of the Upper House of Assembly depended upon that of his being at the same time of the Council, we could not give an Answer to the one, without making it conditional with respect to the other. So that we hope you will not interpret that Sentence as questioning his Lordship's Power," &c.

This Case is so fully in Point, that I shall only observe upon it, in general, that the Right of the Proprietor to discharge a Counsellor is asserted by the Governor, and explicitly acknowledged by the Council, and even by Mr. Bordley himself, the Party immediately affected, and who perhaps understood the Constitution of Maryland as well as any Man now alive. It is a vulgar Notion that the Proprietor has a Right to displace a Counsellor, but that he cannot remove him from his Seat in the Upper House, or annihilate his Legislative Capacity; but the above Case is a solemn Determination to the contrary, nor do I know it has ever been contravened by any subsequent Proceeding, so that the Precedent remains in full Force to this Day,

Thirdly, To prove that the present Proprietor pursues the Policy of his Ancestors, in bestowing the most lucrative Offices in the Government on those Gentlemen, thereby the more effectually to p. 45 secure them to his Interest, I need only mention, what I believe will hardly be contradicted, that out of the twelve Counsellors, (which is the full Compliment) ten of them enjoy, from their various Appointments, to the Amount, at a moderate Computation, of Four

Thousand Pounds Sterling per Annum, and their Commissions are all during Pleasure.

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Let the considerate Reader now judge, with what Reason the Upper House could shew so much Resentment at the Declaration of the Lower House, that they were a dependent Branch of Legislature; and how the Imputation becomes more ridiculous because the earliest Establishment of the Constitution was in its present Form.—

The Evil, by Length of Time, has become inveterate, and perhaps irremediable, without the Interposition of a superior Power; but the Objection to their Dependence can never be weakened by it. If it be true then, that the Upper House derive their Existence from the Proprietary Appointment, that their Continuance in that Capacity depends on his Will and Pleasure, and that all, or a very great Majority of them, hold very lucrative Employments under him, I think, without descending to a particular Recital of their Conduct, it must follow, not that they are the Guardians of the Peoples Rights, but that they are as dependent upon the Proprietor, as the Love of Power, or the Motive of Interest, can possibly make any Body of Men. But I have no Occasion to confine myself to speculative Arguments, derived from the Nature of their Constitution, to shew p. 46 how little Right they have to assume the Title of being the Guardians of the Peoples Rights, since their own Conduct furnishes abundant Proof of an Attachment to the Proprietor's Interest, very naturally resulting from their Dependence upon him.

Their Attempt to deprive the People of the Fines on ordinary Licences, because the Proprietor thought fit to lay Claim to them, and in Consequence thereof granted them to Cæcilius Calvert, Esq; his Secretary, for Life; and their Conduct in the Beginning of the War, in refusing to pass a Bill for His Majesty's Service, because the Licence Money on Pedlars was made one of the sinking Funds; together with their constant Rejection of almost all penal Bills, unless one Half of the Forfeitures went into the Proprietor's Pocket, are (among many others that might be mentioned) Proofs too palpable to admit of any Doubt whose Interest they are the Guardians of.—And here it may not be amiss to comment a little upon a Passage in the Message from the Lower House to the Upper House, which to their Honours appears so intricate, that they declare in their Answer they do not understand or see any present Use of it, and then proceed to make some curious and refined Conjectures upon this recondite Passage, and, in the true Taste of profound Commentators, dive so deep, that they overlook the true Meaning, which more ordinary Optics discover to be swimming on the Surface. The Passage is this—"It is a Maxim in Politics, almost universally adopted, that the Representative is justified by the Instructions of p. 47 his Constituent, in acting even against his own Judgment, and we were willing to entertain Hopes, that your Honours might be more

Contemporary Printed Pamphlet Md.Hist.Soc. at large at present than heretofore, with respect to the Tax on the Proprietary Estate, and the great Offices of the Government." Now that I may explain this Passage, to the Understanding of the supposed Associates in this elaborate Performance, I will borrow my Logic from the Bar, and, by the Force of Innuendoes, throw such a Light upon it, that the only Persons in the Province who could discover any Obscurity in it, shall, at the first Glance, comprehend its full Scope and Intention.—"It is a Maxim in Politics, that the Representative (the Upper House meaning) is justified by the Instructions of his Constituent (the Lord Proprietor meaning) in acting even against his own Judgment (the Judgment of their Honours of the Upper House meaning) and we were willing to entertain Hopes, that your Honours might be more at large at present (from Proprietary Injunctions meaning) than heretofore, with Respect to the Proprietary Estate, and the great Offices of the Government." But notwithstanding the Abstruseness of this Passage, I shrewdly suspect it is better understood than the Gentlemen choose to acknowledge, and that their Ignorance of its Meaning is nothing but Pretence, why else such a Train of thundering angry Questions, which I shall give from their Message, with suitable Answers, en passant? "Why
p. 48 did you not, Gentlemen, inform us what Foundation you have for this indecent and untrue Suggestion, viz. their Tenderness for the Proprietary Estate, and the great Offices? What Foundation have you for insinuating, that this House ever was under any Restraint with regard to either of those Points?" Their Honours Argument in these Questions, and what is subjoined a little lower, "Your having Recourse to those Objections in 1758, will not serve your Purpose, for you will there find no Objections to either of these Particulars being at all taxed;" seems to proceed upon this Principle, that as they have never explicitly declared their Objections to these Points, the Lower House therefore had no Right to suppose, that they had any such in their View; whereas if their Honours had made such a Declaration, Supposition must have been excluded, and absolute Certainty taken its Place. If indeed the Lower House had positively asserted that those were the Objections of the Upper House, the Question had been pertinent, because positive Assertion requires positive Proof; but Supposition is well warranted, by Circumstances of strong Presumption. And it must be submitted to the considerate Reader, whether, from the Nature of their Constitution, their particular Conduct relating to this Bill, and the invariable Attachment they have ever shewn to the Proprietor's Interest, the Upper House had any Right to charge this Supposition with a Disregard either of Truth or Decency?

Their Honours then proceed to another Question—"Or what
p. 49 Reason have you to hope we are now more at large than heretofore?"

To hope without Foundation, I grant is a Weakness, but never thought it a Crime, though their Honours, from their next Ques-

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tion, seem to think it so.—"If you have no Foundation for this Behaviour, what Regard will any Thing you say deserve?" The Truth is, the Lower House were anxious that their Bill for His Majesty's Service might pass into a Law, and when Men are sanguine in the Pursuit of a particular Object, it is a very common Frailty to be buoyed up with fallacious and delusive Hopes. This is however catching at less than Straws, for the Expression is, not that they hope, but that they are willing to hope. But whatever Opinion the Lower House might entertain of the Disposition of the Upper House, with regard to the Passage of the Bill, I do not think the Merits of the Cause in the least influenced thereby, since their own Persuasion of its Preference to every other Plan, will afford a sufficient Vindication of their Perseverance, till His Majesty, to whose Decision they have always been desirous of submitting, shall shew a different sense of it. But to return to the Point.—

It is as difficult for me to believe, that their Honours are, from the Nature of their Constitution, the Guardians and Protectors of the Peoples Rights, as that they acted with that independent Spirit they profess, when they tamely acquiesced under the Appointment of a menial Scrivener, with Qualities that have rendered him generally obnoxious to the Province, to become a Member of their p. 50 illustrious Body. They should have given some Indications of a Spirit to support their own Dignity and Weight, in which they are so much interested, before they can rationally expect from the People the least Credit to the warmest Professions of Regard for their Interest, to which they have no Sort of political Tie. They should have acted upon the good old Maxim—Principiis obsta, and firmly remonstrated against so insulting a Measure, instead of whispering their Complaints and Discontents in a Corner. They should have considered, that the Influence of Example is generally from bad to worse, and that the next Step (according to the Rules of Gradation) might probably have ushered into his Lordship's Council some of that respectable Body of Men, vulgarly called Footmen; so that in Time the honest, well-meaning People of Maryland, might be blessed with most hopeful Guardians and Protectors. A spirited Representation to the Proprietor, or a seasonable Secession from the Board, must have defeated this little Upstart Favourite, degraded him to his primæval Meanness and Obscurity, and prevented in future the like Attempts upon the Honour of the Proprietor, the Dignity of Government, and that Rank and Character which their Honours ought to endeavour to support in the State. Had they acted in this Manner, they would have given a much stronger Proof of their Independency, than by the most vehement verbal Declarations.—But as to their Claim of being the constitutional Guardians and Protectors of the Peoples Rights, it is a Proposition rather too p. 51 hard of Digestion; no Man can assent to it, without renouncing

Contemporary Printed Pamphlet Md.Hist.Soc. common Sense, and contradicting Facts which most glaringly evince the contrary. In vain therefore do their Honours deal out such soothing Speeches as this, "We know that the Inhabitants of this Province in general are an honest, well-meaning People, as loyal Subjects as any in His Majesty's Dominions, and endowed with a Spirit conducive to His Majesty's Service, to the utmost of their Abilities; but we are sorry to say, at the same time, that they are misled by the Influence of very unfaithful Guides:" In vain, I say, do they pour out such plaintive moving Strains as these; The People of Maryland will not discard these Guides, and rely upon pretended Guardians and Protectors, till they become as blind and infatuated as the simple Flock in the Fable, which being mollified and ensnared by Speeches, exactly in the Strain of their Honours just quoted, were prevailed upon to exchange their faithful Dogs for ravening Wolves.—I would not be understood, by any Thing that has been said, as if no Gentleman in that Station could be a Friend to his Country; but the Position I controvert is, that the Gentlemen of that Branch are so, from the Nature of their Constitution.—Men there are of such invincible Integrity, that no View of Profit, or Incentive of Ambition, can seduce them from the Duty they owe to their Country, nor do I deny that there are such at present in the Council;
p. 52 but such a Conduct must flow from their personal Merits and Virtues, and not from any Influence arising from the Frame and Constitution of that Body, since I think it must most clearly appear, from what has been said above, that whenever there is any Competition of Interests between the People and Proprietor, their Honours must be under the Bias of very powerful Motives to prefer the latter, and consequently cannot be the constitutional Guardians and Protectors of the Peoples Rights.

Their Honours are pleased to urge the following Extract from the Report of the Lords of Trade, on the Pennsylvania Acts, against the Lower House:—"We are satisfied that there is nothing so likely to preserve the Tranquility of the Province itself, or its Dependence upon the Mother Country, as the maintaining, with a strict and steady Hand, the necessary Powers and just Prerogatives of the Crown, and the preferring an uniform and settled Principle of Government, to an occasional Departure from it, for temporary Convenience. Every Day's Experience convinces us, that it is in vain to negotiate away His Majesty's Prerogatives; every new Concession becomes a new Demand, and that, my Lords, of some new Dispute."—Every Proposition in this Part of the Report, I believe all the Inhabitants of Maryland will very readily assent to, as too rational to admit of any Doubt; but it is not enough to cite true Propositions, for this would make Controversy endless, and the Pastime only of Children, but it is necessary that they should be applicable to the Points in
p. 53 Dispute. However true it may be, that it is expedient to maintain the

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necessary Powers and just Prerogatives of the Crown, and that it is in vain to negotiate away His Majesty's Prerogatives, yet as the Lower House have made no Attempt of this Kind, a Stanza from the Ballad of Chevy Chace would have served the Purpose of the Upper House just as well, if their View in inserting it had been fair and honest. Upon the most cursory View of the Constitution of this Province, any Man of the least Understanding must be convinced how ridiculous, how absurd, and how impolitic it is, to make such a violent Outcry as their Honours do about the Danger of Prerogative from the Invasions of the Peoples Representatives. The Delegates of the Freemen of the Province compose the Lower House; the Upper House (as has been proved beyond Doubt) are the Creatures of the Proprietor; the Governor is his Delegate, with a Commission during Pleasure; and the Proprietor claims, and actually exercises, the Power of dissenting to Bills, after they have passed the several Branches here; which fully justifies that Sarcasm of Doctor Douglass on our Constitution, that the Legislature of Maryland consists of four Negatives, and the Proprietor has three of them. To these Considerations permit me to add the Weight and Influence of our Proprietor, arising from the Appointments in his Gift, which amount at least to the annual Sum of Fifteen Thousand Pounds Sterling. If their Lordships of the Board of Trade were made acquainted with these Circumstances, I am apt to imagine, p. 54 that they would not think themselves much obliged to the Upper House, to see a Passage in their Report prostituted to the low Purpose of serving the little abject Politics of those Gentlemen; nor would they esteem themselves much honoured by the burlesque Figure it makes, when applied to the public Proceedings of this Province. Had their Lordships been to report upon our Transactions, even as far as they are allowed to judge of them, I humbly conceive their Language would have been to this Effect; "We are satisfied that there is nothing so likely to preserve the Tranquility of the Province itself, or its Affection to, and Dependence upon, the Mother Country, as the maintaining, with a strict and steady Hand, the Rights and Privileges of the People against the dangerous Effects of Proprietary Influence. We cannot pretend to judge of the true Conduct of this Province, because their Bills, for the Support of an Agent to represent their public Conduct, have been always rejected by the Upper House; but are well assured, that the Peoples Privileges are much more in Danger than His Majesty's Prerogatives. In order to settle the Peace of this Colony by enabling us to judge of the Merits of their public Disputes, we recommend it as a most necessary and essential Measure, that they may have an Agent to lay their Transactions before us. The Alarm of His Majesty's Prerogatives is nothing but mere Amusement, it is therefore in vain to negotiate away the Peoples Privileges (the Security of which is the best Test of p. 55 their Loyalty) every new Concession becoming the Foundation of

Contemporary Printed Pamphlet Md.Hist.Soc. some new Demand, and that, my Lords, of some new Dispute." To any Person who is acquainted with our public Affairs I could very safely appeal, whether their Lordships, reporting upon our Proceedings, would not speak with much more Propriety in what I have delivered above, than in the Terms of the Passage their Honours have quoted from the Report on the Pennsylvania Acts.

The Upper and Lower Houses, say their Honours, are coæval. This is nothing but a Play upon the Words Upper and Lower, which being relative Terms, and mutually implying each other, can neither of them exist independently of the other. For let it be supposed that the Legislature, according to the Plan of the Charter, had consisted only of two Branches, to wit, the Proprietor or his Deputy, and the Delegates of the People, from the first Settlement of the Province till Yesterday, when his Lordship's Council were admitted a Branch of the Legislature, and the necessary Distinction of the Upper and Lower House was introduced; the Proposition To-day, that the Upper and Lower Houses are coæval, would be just as it is in their Honours Message. But the Right of the People to have their Representative in the Legislature, and the Right of his Lordship's Council to be a Branch of it, are not coæval, the former being derived from the Royal Charter, and the latter from a Law made several Years after the Settlement of the Province, which Law was made only for
p. 56 that particular Session, and expired with it; so that their Honours Right (from any Thing that has been yet published to the World) depends solely upon the Connivance or Acquiescence of the other two Branches, and not upon any positive Establishment.

The next Passage in their Honours Message, which I shall take the Freedom of remarking upon, is this;—"The several Legislatures in British America (except one or two at most) consist of three Branches, and the middle Branch (three Instances only excepted) is appointed in like Manner with ourselves." In order to support this Position, it is incumbent on their Honours to prove that the Middle Branch, in the Colonies they allude to, is appointed by a Subject, and from the Nature of their Constitution entirely under his Influence and Controul; for an Appointment from his Majesty will not prove the Similarity, a Point not to be insisted on without some Degree of Irreverence. If we were under the Government of the Crown immediately, a middle Branch would be a Blessing, because they could be under no possible Bias to pursue Schemes destructive to the Interests of the Country. The King would be the Father of His People, and would rejoice in their Felicity, instead of fostering Schemes for His own personal Emolument, to the Oppression and Impoverishment of the Community; their Honours could not take more effectual Steps to recommend themselves to the Favour of their Royal Constituent, than by cooperating heartily for the public Good,
p. 57 and might then, without burlesquing their Characters, assume the

Title of the Guardians and Protectors of the Peoples Rights. But far different is our present Case, and therefore I must conclude in their Honours Words, "That an Upper House is a Misfortune peculiar to this Province." Their Honours are pleased to intimate, that they will not be persuaded to give up their Existence, as long as there are so many similar Bodies in America to countenance their Claim. As I hope, upon a little Recollection, they must be satisfied that there is not another Instance of any such Body in America, I presume the Difficulty is removed, and that their Honours will be persuaded to give up their Existence, and more especially, when I further assure them, that there is nothing like it either in Europe, Asia or Africa.

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Their Honours have hardened me against admiring at any Thing they can advance, or I should be surprized at the following Passage in their Message:—

"Were we as much disposed to rail at former Times as you seem to be, we might, in your Taste, censure the Proprietor, and that Body now called the Upper House, for admitting such a Branch as the Lower House into the Legislature, and charge it upon them as an Evil which the People of this Province most sensibly feel (as indeed they do very much to their Cost) and which we fear their latest Posterity will have Cause to lament." The Representatives of the Freemen of the Province are constituted, by the Royal Charter, one of the Branches of the Legislature, and there it is alledged that the Proprietor, in Conjunction with a Body of Men entirely his Creatures, is liable to Censure for admitting this Part of the Charter to be inforced. This is setting up a Power, in the Proprietor and his Council, to contravene His Majesty's Prerogatives, and to destroy the Rights of British Subjects, and yet these Men have the Modesty to assume the Title of the Guardians of the King's Powers and Prerogatives, and of the Rights and Liberties of the People, both which they most indecently insult in one Breath. It has always been esteemed a Blessing peculiar to an English Constitution, that the People are governed by Laws of their own making; but these State Worthies have found out, that it is a Curse that the People of this Province do indeed feel most sensibly to their Cost, and which they fear their latest Posterity will have Cause to lament. The great Flaw then in our Constitution, according to the Doctrine of those political Sages, is, that the People have any Share in the Legislature at all. Three Voices out of four will not satisfy those Gentlemen, nothing less, it seems, than both the legislative and executive Powers, or, in other Words, nothing less than absolute Power will do for this absolute Lord and Proprietor of ours, or redeem the unhappy People of Maryland from the Curse they labour under of not being entirely his Vassals.—But let us suppose our Constitution was reduced to the System these Gentlemen seem so fond of, by confining the Power of Legislature to the Proprietor and that Body now called the Upper

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Contemporary Printed Pamphlet Md.Hist.Soc. p. 59 House, what would be the Consequence of it? The Proprietor would soon discover, that though this Body were extreamly necessary to him as a Gards du Corps, during the Existence of the other Body, yet upon the present System they are nothing but an Incumbrance. He would soon discover that the Four Thousand Pounds (or one Half of it at least) which upon the old Constitution was distributed among them to very good Purpose, might just as well, under the present Reform, be added to his own Revenue. He would then exercise his Power of unmaking, and though a general Disbanding might not be expedient, yet it is extreamly probable that the Province, out of twelve, would not have above two of her Guardians and Protectors left. Too much Refinement is apt to disappoint its own End. Let me therefore advise these Gentlemen to leave to the People their Representatives, if they would choose to continue necessary and important to the Proprietor. If their Honours can point out any one clause in the Bill so derogatory from His Majesty's Prerogatives, and the Liberties of the People, as this Passage in their Message, let it be burnt, say I, by the Hands of the common Hangman. But it answers no Purpose to spend any more Time in condemning such abject, illiberal Sentiments, which must expose the Authors to the Contempt and Indignation of every Reader of common Understanding, at the first Glance, and convince the World that the Upper House, or p. 60 rather the Few by whose Opinions they are directed, have forfeited every Pretension to the least Degree of Esteem in the Eyes of their Countrymen.

In the last Paragraph of their Honours Message, I find this curious and remarkable Passage;—

"This House (meaning the Upper House) was by your Ancestors erected, with a View to check and restrain the boundless Powers their Representatives might otherwise be disposed to exercise over them, and consequently to judge, and pursuant thereto exert our Powers, whenever we see Occasion to prevent their Ruin."—A License to assert just what they please, seems to be one of the peculiar Privileges of these Gentlemen; but they exercise it with so little Caution and Reserve, that the Imposition is generally too glaring and obvious to require much Pains in detecting.—I must trouble the Reader with the Act itself for settling the House of Assembly by two distinct Houses, as I find it quoted by the Governor, in a Message to the Lower House in 1757 [sic] [1657], which is as follows:—

"Be it enacted by the Lord Proprietor, with the Advice and Consent of his Council, and Burgesses of this Province, now assembled, that this present Assembly, during the Continuance thereof, be held by way of Upper and Lower House, to sit in two distinct Rooms apart, for the more convenient Dispatch of the Business therein to be consulted of, and that the Governor and Secretary, and any one or more of the Council for the Upper House, and Mr. John Hatch, Mr. Walter Beane, Mr. John Modley, Mr. William Brough, Mr. Robert Robins, Mr. Francis Poesay, Mr. Philip Land, Mr. Francis Brooke, Mr. Thomas Matthews, Mr. Thomas Sturman, Mr. George Manners, Burgesses for St. Mary's County; Captain Robert Vaughan, Commander and Burgess for the Isle of Kent; Mr. George Paddington, and Mr. James Cox, Burgesses for the Part of the Province now called Providence, or any five or more of them for the Lower House, together with the Clerk for the Time being, who shall, from Time to Time, assemble themselves at the Time and Place to be by the Governor (or whomsoever of the Council he shall, by Hand-writing under his Hand, depute for that Purpose) from Time to Time appointed, during this present Assembly, shall have the full Power of, and be two Houses of Assembly, to all Intents and Purposes; and all Bills that shall be passed by the said two Houses, or the major Part of both of them, and enacted or ordained by the Governor, shall be the Laws of the Province, after Publication thereof, under the Hand of the Governor, and the Great Seal of the said Province, as fully, to all Effects in Law, as if they were advised and assented unto by all the Freemen of the Province personally."— The Constitution of the several Branches was brought about at the pressing Instances of the Peoples Proxies, or Representatives, not with a View to check and restrain themselves, but more probably to get rid of that Check and Restraint which they might possibly be under in the Presence of the Governor and his Council, or to remove the Confusion which must have arisen from a Mixture of such heterogeneous Parts in the same Body, whose clashing Views and Interests must at Times have produced very tempestuous Proceedings, if we may form any Judgment of those Times from the present. The general Reason given in the Act for the Separation is, for the more convenient Dispatch of Business, but not one Word can I find about checking and restraining; and indeed it is so wild a Conceit, that any Body of Men should think themselves invested with too much Power, and for that Reason erect another Body to check and restrain them, as I believe never entered into the Heads of any Sett of Mortals, but of the subtile Authors of this most accomplished Performance.

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I have now finished my Remarks upon the most striking Passages in this Message, and must appeal to the Public, whether they are not of such a Nature as to call upon, nay even to sollicit, some Friend of the Province to oppose their mischievous Influence. If the Gentlemen of the Upper House had not been guilty of so many gross Misrepresentations of the Conduct of the Lower House, or had given them a fair Opportunity of vindicating it, in a regular Course of Parliamentary Proceeding, the Interposition of a private Hand had been perhaps officious, and liable to the Charge of Presumption.

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But for a whole Province to look tamely on, and to suffer their Representatives to be vilified and traduced, to hear their Conduct branded with Disaffection to His Majesty, and an Attempt to p. 63 trample upon the Liberties of the People; in one Word, to be stigmatized with every opprobrious Appellation, which Malice and Falshood can suggest, and at the same Time to be deprived of an Opportunity of defending themselves, would be a Proof of such general Lukewarmness in the Cause of Liberty, as to render the Province undeserving of so great a Blessing.

To confute these Calumnies, and to obviate the ill Impressions which they might make on our Fellow Subjects, is a Talk surely of the highest Importance to the Country, and if the Freedom with which I have done it may be thought an extream Measure, let those be answerable who have, by furnishing an extream Necessity for it, afforded me so solid a Justification.—I must take some other Opportunity to remark upon their Honours Address to the Governor, which has the same righteous Object in View, that of representing the Majority of the Lower House in the respectable Lights of both Fools and Knaves.—I fully intended to have made some few Observations upon it, in the Course of these Remarks; but the Abundance of Matter, afforded by the Message, has already swelled this Performance to a much greater Bulk than I at first intended, and I am afraid tired my Readers Patience.—From what has appeared of the Spirit of these Gentlemen, in these Remarks, I presume such of my Readers as are unacquainted with the Subject, will not be very forward in entertaining an ill Opinion of the Lower House, upon p. 64 the mere Credit of their Assertions in the Address; and those who are well informed, may be safely trusted with them.

Whoever will attentively consider their Honours Message, will find that there is nothing in it to affect the particular Merits of the Bill, not a single Objection being made to any Thing which has any real Existence in it. Many heavy Charges indeed they have made against it and a particular Sett of Men, for which they have been much more indebted to their Invention than their Judgment.

The Charge they seem peculiarly fond of, and which they have very often repeated in the Course of their Declamation, is, that a wicked Majority have endeavoured to establish an absolute Power upon the Ruins of His Majesty's Prerogatives; with this honest View, it may fairly be supposed, to let His Majesty's Ministry at Home see what staunch and loyal Subjects they are, and that the Lower House are composed of Men of traiterous and rebellious Principles.—It is to be hoped that the Ministry are better employed, than to mispend their Time in reading such a Composition; or if they were to descend so far from their Station, and are sufficiently phlegmatic to drudge through it, they are too well informed of our Constitution not to know, that the Gentlemen of the Upper House are the most unlikely Persons in the World to give them a fair and impartial State of our Disputes. I am so well acquainted with the Principles of the Gentlemen whom their Honours have selected for the peculiar Marks of their groundless Accusations, and with their sincere and hearty Attachment to His Majesty's Person and Government, that I can venture to declare it to be their warmest Wish, that his Province were immediately under the Protection and Authority of the Crown, as the greatest Incident of public Happiness which could possibly befal the Country.—This is the general Wish of the People, and the only effectual Cure which can rationally be expected for our Divisions and Animosities, now inflamed to too great a Degree to be healed by any other Expedient; and though these Gentlemen have been so unfortunate as to disagree with their Honours upon many Subjects, yet there is one Point, in which I am persuaded they will most readily concur with them, the first Time they appear in a Legislative Capacity, and that is, in an humble Application to the British Parliament, praying that they will be pleased, (after making a suitable Compensation to the Proprietor) to place the Province of Maryland immediately under the Protection and Government of His Majesty, as was done by a former Parliament, in the Case of Carolina. Are their Honours the Guardians and Protectors of the Peoples Rights? They cannot give a better Pledge of their Sincerity, than in endeavouring to put these Rights under the immediate Protection of His Majesty.—Are their Honours jealous of any Invasion of His Majesty's Prerogatives, from the ambitious Incroachments of the Peoples Representatives? His Majesty's Prerogatives will be effectually secured in the Affections of His People, and by the Authority and Dignity of His Government.—Are their Honours really in earnest, when they profess so ardent a Zeal for his Majesty's Person and Government? They cannot give a better Test of their Loyalty, than by shewing their Inclination, and exerting their Endeavours to place the Province under the auspicious Influence of His Majesty's immediate Jurisdiction. Let me be permitted then to indulge the pleasing Hope, that the next Meeting of Assembly will produce a joint Application, from the Upper and Lower Houses, to the British Parliament, praying that they will be pleased to place His Majesty's most dutiful and loyal Subjects of Maryland under His immediate Protection and Government. But if Matters are not yet ripe for this grand Æra of Maryland's Happiness, what Step can be taken to alleviate the heavy Load of Misery she at present labours under? So great are our public Divisions, that in Matters of the most pressing Exigency, in Circumstances involving our most important Interests, when our Duty to the best of Kings, and the most sacred Cause of religious and civil Liberty have, with one Voice, called upon us to exert the Force of the Province, Maryland alone has been like the deaf Adder, who refuseth to hear the Voice of the Charmer, charm he never so wisely.

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These are the Sentiments of every considerate Man among us, and our Governor has, upon a late public Occasion, expressed his Apprehension, that unless His Majesty would be pleased to interpose, no Supplies could be expected from this Province *. Why then are we laid under the peculiar Hardship, why are we distinguished from every other Colony in America, in being debarred from giving our own Money for the Support of an Agent at home §? If there were any Thing exceptionable in the Bills so frequently sent to the Upper by the Lower House, for this Purpose, why did not their Honours exercise the Privilege they claim of amending them? But their constant Method, for some Years past, of treating these Bills, has been p. 68 either not to send them down at all, or to return them with an absolute Negative, the former of which was the Case in the very last Session, so that their Honours have not even this flimsy Excuse with regard to these Bills, which they have urged in their Behalf with respect to the last Assessment Bill, that they would not make any Objections to the present, because they had made some to a former House. Hence it may fairly be concluded, that their Honours are Enemies to the very Spirit and main Intention of such a Bill, the submitting of our Disputes to His Majesty's Decision; for they cannot with any Face say they rejected the Bill, because it was liable in its Mode to Objections; for the Answer will be ready, Why did not their Honours propose Amendments, and thereby shew that their View was not to condemn the Bill, but to make it more perfect?

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* "As the Lower House Journal, for the Session held in March, 1758, contained the Arguments that had been urged by both Houses against, and in Support of, the Supply Bill you seem to allude to, I took the Liberty (being as desirous as any Gentleman among you to have the Dispute finally determined) to refer Mr. Pitt, who was then one of His Majesty's principal Secretaries of State, to that Journal in particular, for a clear and full State of the Dispute which had subsisted between the two Houses; and I moreover told him, that I was afraid no Supplies for the King's Service would be granted in this Province, unless His Majesty would be pleased to have the Dispute thoroughly examined into, and finally settled." Governor's Message to the Lower House, March 20, 1762. [This appears as a footnote in the original.]

§ In the Court Calendars, for several Years back, I observe that ---------- Calvert, Esq; is put down under the Maryland Article as Agent, by whom I take for granted is meant Cæcilius Calvert, Esq; Uncle to the Proprietor. By whose Management, or with what View this Article is inserted, I cannot determine; but if the Design of it be, to make the World believe that this Gentleman is our Provincial Agent, it is a gross Imposition. I do hereby declare, without the least Apprehension of being contradicted, that he never was, or is at present, Agent for Maryland, nor have the People of this Province any other Person to represent them in that Character. [This is a footnote in the original.]

They claim a Right to amend Money Bills; why did they not exercise that Right upon this Occasion? They claim a Right to frame Money Bills; if the Bill sent to them, by the Lower House, was so fundamentally defective and exceptionable, that no Amendment could render it perfect or proper to its End, why did not their Honours form and send down a Bill to the Lower House? It is very probable indeed it would not have been received, but this they cannot urge in their own Justification, since it is the Duty of every Branch to exercise the Rights they think themselves invested with, for the public Good. Wherefore, if His Majesty should hereafter be disappointed in His Expectations of Supplies from this Province, it will be entirely owing to the Perseverance of that House, in a Measure which nothing but a determined Resolution to evade an Appeal to His Majesty, by refusing the Lower House an Agent, could have induced them pertinaciously to adhere to.—Let it then be allowed (as I have observed before) that their Honours were right in rejecting the Assessment Bill, because it was too faulty to be amended, and that the Lower House were right in persevering in it, because they thought a Bill upon that Plan might be made a good One; yet as neither of the Houses had a Right to decide for the other, and perhaps both in some Particulars were wrong, it follows, that the House which proposed the only possible Expedient of settling the Difference, were upon the whole right, and the House which opposed and frustrated this Expedient, were upon the whole wrong. With this View, among others, the Lower House offered the Upper House a Bill for the Support of an Agent in London, which their Honours were pleased to reject, and are therefore, with humble Submission to better Judgments, chargeable with all the Consequences.—It would redound much more to the Honour of the Gentlemen who compose the Upper House, to forward an Accommodation of our unhappy Misunderstandings, by this rational Measure, than to endeavour to throw an Odium upon the other Branch, by the little Expedients of Opinions obtained upon ex Parte Representations, of Messages thrown in just at the Close of a Session, and Addresses to the Governor, filled with Scurrility and Abuse, of which no Notice can be taken in a Parliamentary Course of Proceeding.

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These are the Arts of that Left-handed Wisdom called Cunning, and are as remote from sound Policy as a Mountebank is from a Physician. As many of their Honours are Men of Property, and have Families depending upon them, they should consider that their nearest Interests are connected with the Public Good, that their Station and Offices do not descend to their Children, and that they would make a very bad Bargain for their Descendants, by extending the Power of the Proprietor beyond its due Limits, for the Sake of a little temporary and precarious Gain. If there be any among them who owe their Rise entirely to the Proprietor's Favour, depend

Contemporary Printed Pamphlet Md.Hist.Soc. solely on his Will and Pleasure for a Support, and whose ultimate Object it is to figure in his Eyes, though at the Expence of his Honour and substantial Interest, of such they ought to be jealous, and never to support Measures which are rather the Dictates of low Intrigue, for selfish Purposes, than the Suggestions of a Spirit, warmed by a sincere Desire of promoting the general Interest.

Their Honours are very fond of imputing the Measures of the Lower House to a small factious Cabal, and are pleased to intimate, that the Majority are directed by a Sett of discontented evil-minded Men. I shall very readily allow, that there are discontented Men in that House, but must deny that the Number is small, either in the House or out of it, for which, very good Reasons, I presume, have
p. 71 appeared in the Course of my Remarks, as well as why their Honours are not comprehended in the Number. But as to their being evil-minded, this should be left to the Public; and if their Honours had but given themselves one Moment's Time to reflect by what Kind of Minds the Majority of their House hath been directed, in their late Proceedings, they must have blushed at and expunged the Passage, when they considered with how much greater Force it might be retorted upon themselves. Upon the Whole, if, as has been suggested on the one Side, our Divisions have been excited by an evil-minded discontented Faction, or, according to the Allegations of the other Party, they have been owing to the oppressive Measures of our Proprietors or their Agents, it must be the Wish of every well-disposed Mind, that some Stop may be put to our Feuds and Animosities, from whatever Root they may spring.—To His Majesty therefore let the Proprietor and People resort, and lay their Cause fairly before Him. The Wisdom and Equity of His Royal Decisions will at least palliate our Sufferings, though perhaps Time, and a more happy Concurrence of Circumstances, may be requisite to effectuate the compleat and radical Cure every Friend of Maryland so fervently and devoutly prays for.

[Sep.^{r} 15..th 1762.] *
The End.

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* [*The date, Sep.^{r} 5.. 15..th 1762, entered in brackets above, just before "The End", is there inserted with pen and ink at this point in the Maryland Historical Society copy of the printed pamphlet. It appears to be a contemporary entry and may indicate the writer had knowledge that this was the date of writing or completion of the pamphlet. It was doubtless the same hand which altered in ink on the title page of this copy the date of printing, MDCCLXIV, to read MDCCLXIII.*]

VI

AN ANSWER WHICH APPEARED IN 1764 TO QUERIES IN THE LONDON PUBLIC LEDGER IN 1763 AND TO REMARKS UPON AN UPPER HOUSE MESSAGE 1764 UPON THE PROPRIETARY GOVERNMENT OF MARYLAND

[THIS ANONYMOUS CONTEMPORARY PAMPHLET, "AN ANSWER TO THE QUERIES - - - AND TO THE REMARKS UPON A MESSAGE", THE FULL TITLE OF WHICH IS GIVEN IN THE NEXT PARAGRAPH, IS THE VERY LENGTHY REPLY BY SOME REPRESENTATIVE OF THE PROPRIETARY GOVERNMENT TO THE SEVERE STRICTURES UPON THE PROPRIETARY, GOVERNOR SHARPE, AND THE UPPER HOUSE, CONTAINED IN THE "QUERIES", WHICH HAD APPEARED IN THE PUBLIC LEDGER, AS WELL AS TO THE PAMPHLET, "REMARKS UPON A MESSAGE". ALL THE IMPORTANT CONTROVERSIAL QUESTIONS BETWEEN THE TWO HOUSES WHICH HAD BEEN BROUGHT FORWARD IN THE "QUERIES" AND IN THE "REMARKS" ARE REPLIED TO HERE IN "AN ANSWER". THE READER IS REFERRED TO A RATHER FULL DISCUSSION OF "AN ANSWER" ITS PROBABLE AUTHORSHIP AND PLACE OF PUBLICATION, ON PAGES lxx-lxxii OF THE INTRODUCTION OF THIS VOLUME. THERE ARE ONLY THREE KNOWN COPIES OF THIS PAMPHLET, ONE IN THE MARYLAND HISTORICAL SOCIETY, ONE IN THE LIBRARY OF CONGRESS, AND ONE IN THE JOHN CARTER BROWN LIBRARY.]

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AN | ANSWER | TO THE | QUERIES | on the | Proprietary Government of Maryland, | inserted in the Public Ledger. | also | An Answer to Remarks upon a | Message sent by the Upper to the Lower | House of Assembly of Maryland, 1762. | Published in 1763. | containing | A Defence of the Lord-Proprietor from the Calum- | nies and Misrepresentations of the Remarker; and | also a Vindication of the Upper House, in their Con- | duct relative to a Supply Bill for his Majesty's Ser- | vice. | By a Friend to Maryland. | Look round the habitable World, how few | Know their own Good, or knowing it pursue. | Dryden's Translat. of Juvenal. | Printed in the Year 1764. |

A Letter, &c.

p. 1

Sir,

The many obligations I lie under to you, and the friendship you express for me in all your Letters, require my most grateful acknowledgments.

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The Pamphlet you were pleased to send me some time ago, entituled, "Remarks upon a Message sent by the Upper to the Lower House of Assembly of Maryland, 1762, by a friend to Maryland," I have not only perused with attention, but by my avocation lately from London to the country, have had leisure and time enough to draw up the following remarks upon it. The Letter you refer me to, p. 2 printed in the Public Ledger here, November the 17th, 1763, I have also read, and can easily perceive such a similarity thro' the whole of both, that they must be considered as the offspring of the same parent.

Though the talk you have transmitted to me is large and troublesome, yet I shall endeavour to express my sentiments with candour and perspicuity, in respect to such subjects as I have any cognizance of, and as far as my intercourse with, and knowledge of the Province will enable me. Thus circumscribed, you have my answer to those extracts upon the government and administration of Maryland.

"An ancient and famous orator observes, that nothing flies so swift as defamation; nothing is imbibed with greater pleasure by the bulk of the people, nor is any thing more industriously dissused: But every good and generous man will reject and discountenance evil surmises, and impute them, as he ought, to envy, malice, mistake, and misinformation; for nothing is so common as for opposite parties to blacken each other, and for men inclined to detraction, to p. 3 asperse their neighbours, and to traduce the characters of men, drest up out of their own imaginations and malevolent hearts: this is the great business of their lives, and they would be very unhappy without it. But it is great pity that the reputation of men so often depends on people who have neither the will nor the ability to represent things truly: however, there is one duty incumbent on the world, before we proceed to sentence on the true information of defamers; we ought well to know the circumstances and the facts; and yet these are scarce ever well known but to the person himself who is principally concerned in their consequences. It is therefore to be wished that all good and generous men would unite in discountenancing and despising those pests of society who first suppose and then circulate their poisonous suppositions, which too often take hold of peoples minds, and leave such impressions and prejudices there as can never be shaken off, &c."

Under this guard of apology, keeping truth and your approbation always in view, I shall venture to begin with Answers to the p. 4 several Queries relating to the police and government of Maryland, which were inserted in the Public Ledger, November 17th, 1763.

Query 1st. Does not the legislature of Maryland consist of three branches, viz. the Proprietor or his delegate, the Upper House, and the Lower House, or delegates of the people?

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Answer. I understand the legislature of Maryland does consist of three branches, viz. the Lord-proprietor (who is hereditary governor) or his lieutenant-governor appointed by him, and approved of by the King, the Upper House of Assembly, and the Lower House elected by the people.

Query 2d. Who compose the Upper House? do not his Lordship's Council? are they not of his appointment? does not the Proprietor claim, and has he not actually exercised, the power of displacing a counsellor at his will and pleasure? when a counsellor is displaced, is not his seat as a member of the Upper House thereby vacated? was not this done in case of a counsellor during the administration of Mr. Charles Calvert? was not this right in the Proprietor insisted on by the Governor, and expressly acknowledged p. 5 by the Council themselves, and did they not moreover declare, that his character as counsellor being annihilated by the Proprietor's power, that of member of the Upper House fell with it, as dependent upon it? has this precedent been contravened by any subsequent proceedings? is it not then an established doctrine to this day, that the Proprietor can displace at his will and pleasure the members of his Council, and consequently the members of the Upper House?

Answer. As the council or second branch of the legislature in the colonies of New Hampshire, New York, the Jerseys Virginia, the Carolinas, and other of his Majesty's American governments, consist of gentlemen nominated by the King, so in Maryland, (the jurisdiction, as well as property, being by his charter vested in the Lord-proprietor) the members of the second branch of the legislature are nominated by the Lord-proprietor; and as in the governments which are immediately in the crown, the council or members that compose the second branch in the legislature, are liable, in case of misbehaviour, to be suspended or displaced by the King, p. 6 which has been often done; it is presumed, that they may in like manner be suspended or removed in Maryland by the Lord-proprietor; and by intelligence, there hath since the first settlement of the Province been but a few instances of the Proprietor's exerting such a power, as good policy must make the Proprietor very cautious in the exercise of this prerogative.

Query 3d. Does not the Council consist of twelve members when compleat? do not nine of them enjoy offices at this day to the amount of nigh 4000l. sterling per annum? and may it not be well supposed that the expectations, not to say promises of offices in reversion, may influence the conduct of others?

Answer. The Upper House, or Council in Maryland, does consist of twelve members; nine do hold offices (it is said) but in value far short of the amount suggested by the Querist; in the colonies abovementioned, several of the council and their nearest

Contemporary Printed Pamphlet Md.Hist.Soc. p. 7 relations do hold places of much greater profit than any in the disposal of the Proprietor of Maryland; nor is it to be supposed, that such gentlemen, by holding those offices, are in any respect the less or worse qualified to consult for the public good, or to serve his Majesty in the station of counsellors.

Query 4th. The constitution of the Upper House being such, and the interest of the members so connected with the will of the Proprietor, may it not, with propriety, be called a branch of the legislature dependent upon him? Are they not under strong motives to enforce the Proprietor's claims, even against the rights of the people, upon whom they have no sort of constitutional dependence? Ought not then the representatives of such a body of men against the delegates of the people, to be strongly suspected of partiality to their constituents?

Answer. Though the members of the Upper House are nominated by the Proprietor, and have probably some sense of gratitude; yet as they are at least as much interested in the general welfare of the Province as any of the inhabitants, and must, out of regard to their posterity and near relations, be averse to countenancing any encroachment p. 8 of the Proprietor on the liberty, privilege, or property of the people; it cannot be supposed that the Proprietor, (did he endeavour to carry any unwarrantable schemes into execution) would find the gentlemen of the Upper House ready to make him a compliment, at the expence of their own happiness, and the honour and interest of those with whom they are so closely connected; especially when they would, by such a step, render themselves justly obnoxious, and liable to the execrations of the whole province.

Query 5th. Does not the Proprietor claim, and actually exercise, the power of dissenting to laws after they have passed the several branches here? May it not be said then, that the legislature consists of four branches, viz. the proprietor, his delegates, the Upper House, and the representatives of the people? And since the substitute of the Proprietor, with a commission during pleasure, must be dependent upon him; and since it is most clearly the case with the Upper House, does it not follow, that the reproach of the other colonies upon this constitution, viz. that the legislature consists of p. 9 four negatives, and that the Proprietor has three of them, is most justly founded?

Answer. As the King has a right to dissent to any acts of Assembly made in the crown governments, which his Majesty often does, so the Lord-proprietor of Maryland claims, and, from time to time, has exercised, though but seldom, the right of dissenting to laws made there, and transmitted for his approbation, when the same have been judged repugnant to acts of parliament, or unreasonable; but until his dissent is published in the Province, the laws continue in force; nor can it be said with greater propriety,

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that there are four branches of legislature in Maryland, and three of them in the Proprietor, than that the legislature in Virginia, or the other colonies abovementioned, consists of four branches, and the King has three of them: but suppose as many negatives in the legislature of Maryland; yet, if no act can be made (which is the case) by provincial authority, without the consent of the people's delegates, their liberties and properties would be as well secured, as if the legislature consisted of only the Proprietor and house of delegates; for it cannot be supposed, that an Upper House of Assembly, p. 10 however dependent, would go greater lengths to serve the Proprietor at the people's expence, than he would go to serve himself. The existence then of such a middle branch, consisting of gentlemen bound by every tie to promote the happiness and true interest of the Province, cannot be any disadvantage to it; but contrarywise, such gentlemen, by their knowledge and experience in public business, are most likely, able, and ready to defend and support their right, and to oppose any wicked measures of an oppressive governor on one hand, and to check the violence of a levelling, popular assembly, or tyranny of a few demagogues on the other, or to prevent the evil consequences of a collusion between a corrupt governor, and a few leading men in the Lower House. An Upper House can be, and indeed in such cases has, more than once, proved a very necessary and useful branch of the legislature, and prevented one part of the inhabitants being sacrificed, as it were, to the humour and caprice of the other.

p. 11 Query 6th. It has been alledged by the gentlemen of the Upper House, that most of the colonies in America are constituted upon a similiar plan with this Province, by a middle branch appointed in like manner. To prove the similarity, is it not incumbent on those gentlemen to shew this to be the case in any charter government? Will such an appointment by the King prove the similarity? and is there no difference betwixt such a power vested in the King and in a subject? Can this be asserted without irreverence to Majesty, and an affront to truth? Does it follow, that because the King is the father of his people, and can have no interest distinct from theirs, a subject stands in the same relation to them, and will not prosecute claims of his own private emolument, subversive of their rights, and invasive of their property? With what decency then can it be asserted, that because the King exercises such a power in some of the Provinces, that Maryland is circumstanced in ths respect like those colonies?

Answer. The legislature in most of the British colonies consists of three branches; and in all of them where there are three, the p. 12 middle branch, at least, is as dependent as that of Maryland; which being really the case, it cannot surely be denied, that there is such a similarity between them as the Upper House alledged: though

Contemporary Printed Pamphlet Md.Hist.Soc. the members in Maryland are appointed by the Proprietor, and in the other colonies by the King, the end of their institution is the same. That the King being father of his people, can have no interest distinct from their's, is readily granted; as also, that there are various perfections of will, as well as agency, in the King, not belonging to any other man. As to the Lord-proprietor, he is, by regal prerogative and grant, substituted Lord-proprietor of Maryland, and by the same royal dispensation vested with high authority, jurisdiction, and power, though a subject under allegiance to the King. As to the reflection, "That the Proprietor, being only a subject, may, and is likely, to prosecute claims of his own private emolument, subversive of their rights, and invasive of their property," it is quite groundless, because it is at least as much the Proprietor's interest that Maryland should flourish, as it is his p. 13 Majesty's that Virginia should: and the only fair conclusion that can be drawn from the circumstance of the Proprietor's being a subject, is, that was his disposition quite the reverse of what it is, he would not venture to take any step which he could not justify to his Majesty; and that he would rather be apt to give up something of even his rightful claims, than to offer to extend them, lest, by so doing, he should expose himself to the resentment of an injured people, and an offended sovereign, to whom he is accountable, and to whom all appeals for redress of grievances are at any time presentable.

Query 7th. Have not the delegates of the people of this Province, almost in every session for many years past, sent to the Upper House a bill to raise money for the support of an agent in London, with a view of having their differences with the Proprietor brought to a speedy determination before his Majesty in council? And have not these bills always miscarried in the Upper House? Why has the Upper House rejected these bills, without giving any reasons for it, p. 14 or proposing any amendment, since they assume a right to amend even money bills? Is it not clear, that they would rather chuse the Province should languish in perpetual confusion, than that the Proprietor should run the risk of being stripped of his usurpations?

Answer. I reserve my answer to the above query, to the remarks I shall make on the same head in the conclusion of this work.

Query 8th. Have not the delegates of the people sent to London an address to his Majesty on his accession to the throne, and have they not been unable to get it presented for want of an agent?

Answer. If the Lower House would have joined with the Governor and Upper House, in an Address to our most gracious Sovereign on his accession, as had been done on similar occasions, and as they were then invited to do; or if they would, on that occasion, have transmitted a separate address to the King, under cover to the Lord-proprietor, no doubt but his lordship would readily have presented it. The reason why the address they sent on that occasion, inclosed in a letter to their agent here, (said to be the Messrs. Franklin, then in London) was not delivered by one of his Majesty's principal Secretaries of State, nor was ever presented to his Majesty, is said to arise from the impropriety of the address itself, drawn up contrary to rule and form: Besides, the Querist, on enquiry, will find, that it is not the first address, either from America or here, that has not been delivered to the sacred person: however, the Querist's costituents might have informed him why it was not presented; and if they have any doubt now remaining, which I question, they may still be well informed, as the agents reside in the neighbouring provinces.

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Query 9th. Does not a certain C---t Esquire in London, mentioned in the Court Calendar, under the article of Maryland, as Agent, represent the people, or only the Proprietor of this Province? If it is said the former, and that this gentleman's christian name appears to be C----s, the Proprietor's Chief Secretary of this Province; Query, by virtue of what power or authority does he assume that title, or by what logical distinction, instilled by a St. Omer's education, will he be able to justify such a duplicity of character?

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Answer. The designed venom enveloped by the Querist in the above query, is like the provincial rattle-snake coiled up, whose position is best prevented by a switch. Mr. Calvert, I am informed, is the provincial secretary, appointed and commissioned by the Lord Baltimore his nephew.

The said gentleman being asked, Whether he availed himself of being provincial agent, replied, In no manner of ways under any such provincial employ; that he disavowed and duplicity of character as insinuated by the Querist, one of which is founded solely on the blunder of the Printer of the Court Calendar, who made the place mentioned, and disposed of it to C-----t, Esq; in London, with no more reason for so doing, than the author of the Queries has for publishing such an heap of incoherent groundless assertions, and invective insinuations.

Pleased, but not satisfied, with spreading such injurious falshoods, he goes on in the same query, in expanding the malice of his rancorous heart to personal reflections on the above gentleman.—Lest the venom of his pen should have the success desired in his inuendo of a St. Omer's education, I think proper to obviate it, by giving the following true narrative. ---- C---t, Esq. was sent to St. Omer's at an age too young to imbibe any principles hinted at, and from thence soon recalled; after that, and from about ten years of age, he had his education and religious principles at a Protestant school at Cheam [sic] in Surry; that as he was bred, so he has ever since continued, a Protestant, according and conformable to the doctrines of the church of England by law established. He is a frequenter of

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Contemporary Printed Pamphlet Md.Hist.Soc. the worship of God, and a partaker of his holy sacrament: he has taken all oaths required by act of Parliament to his Sovereign on the throne. This, I hope, will, nay, must wipe off all aspersions of the Querist, as they are the greatest tests of his being, in all conformity, a member of the church of England, and a true liege subject of his Majesty on the throne.

The Querist continues; "In the arrangement of the Judicial powers of this government, the following queries are humbly submitted, p. 18 as instances of the excellency of a constitution so much boasted of by the friends of the Proprietor.

Query 10th. "Do not the courts of justice in Maryland consist of the County Court, the Provincial Court, the Court of Chancery, and the Court of Appeals?"

Answer. The courts of justice in Maryland, I am informed, are, the County Court, held four times a year in each county; the Provincial, or Superior Court, held twice a year at Annapolis; the Court of Chancery, held four times a year; and the Court of Appeals, which meets three times a year.

Query 11th. "Is not the Court of Appeals a court of common law, and a court of equity?"

Answer. The Court of Appeals is established by act of Assembly, and receives appeals both from the Provincial Court, and the Court of Chancery.

Query 12th. "Are not appeals made from the County Court to the Provincial, and from the Provincial and Chancery Courts, to the Court of Appeals?"

Answer. Appeals are made from the County Courts to the p. 19 Provincial, and from the Provincial and Chancery Courts to the Court of Appeals, though not often.

Query 13th. "Are not the judges of the County Courts appointed by the Proprietor's delegate the Governor, and are they not dismissible by him at pleasure?"

Answer. The judges of the County Courts are the Justices of Peace, appointed by the Lieutenant-governor out of the principal gentlemen in each county, who are willing to act: for as it is a very troublesome office, many gentlemen decline it: they are dismissible at pleasure, as are all Justices of Peace in the King's dominions; but as there are from ten to twenty of them in a county, few of them very fond of the office; all of them desirous to stand well with their neighbours, and not a few of them members of the Lower House; there is not (as I conceive) the least room for a suspicioin of the County Court's being under the Proprietor's influence; and they are under the obligation of an oath, to pay no regard, in the distribution of justice, to any orders, letters, or influence whatever: if they were inclined to violate it, or to favour the Proprietor in any instance, they could scarcely do so, unless they were also to corrupt the juries, who are always inclined to favour the liberty of the subject, and have, as it were, a negative in the executive part of government.

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Query 14th. "Who sit as judges in a superior court of judicature? Do not the ministerial officers of inferior courts? or, in other words, do not several clerks of the County Courts preside as judges in the Provincial Courts? and are not most of the other judges composed of men who enjoy other offices under the Proprietor? Is there an instance of such absurd, to say no worse, distribution of power under any government whatever, as, that the servant of an inferior court should sit as judge in a superior one? Are not these judges too dismissible at pleasure?"

Answer. The judges of the Provincial Court, being eight in number, are appointed by commission from the Governor, under the great seal, to continue during pleasure: they are gentlemen of as good estates, and unexceptionable characters, as any in the Province; one of them is a member of the council, who for many years p. 21 practiced in the courts of law; four of them have no offices whatever under the Proprietor; and two of them are clerks of counties, or keepers of the county records; the business of which offices, however is entirely transacted by their deputies; so that there is not any great impropriety in their sitting in a superior court (as I conceive) with six other judges; nor are they treated with less respect on account of the offices they hold in their counties. Why does not the legislature provide a sufficient gratuity for such persons in so eminent, useful, and necessary an employ, essential to the very being and support of property? It behoveth all governments to maintain the judges and ministers of justice, in such a manner that they may be under no undue influence; and to have a vigilant eye upon their proceedings. No doubt their office ought to be quamdiu bene se gesserint, and to have sufficient salaries annexed to it, to keep them free and independent of power. All those intrusted with supreme authority and power; all countries ought, in duty to the Proprietor and themselves, and in gratitude for so essential a point, to enable him, as p. 22 supreme head, to settle sufficient rewards on the administrators of justice. Those in supreme authority, as Sir Walter Raleigh observes, "are to make choice of good men, and being chosen, to hold them in good reputation, so as the ordinary course of justice may proceed; for otherwise great disorder, contempt, and general confusion will ensue thereof." Provincial judges, so circumstanced in Maryland, would secure to the people good judgment both in law and equity, especially as their judgments are subject to appeal to our Sovereign. Can a country have a greater blessing than a right administration of justice? But to return to the Querist; was the case as above related, some of the most eminent lawyers would

Contemporary Printed Pamphlet Md.Hist.Soc. probably be, from time to time, induced to quit their practice, and go on the bench; but as these judges are at this time allowed nothing for their attendance and trouble, except about eight shillings sterling a day for the time the courts sit, or sixteen pounds a year, (payable at the pleasure of the General Assembly, perhaps once in seven p. 23 years) no gentleman, that has any practice as a lawyer at the bar, will chuse to qualify as a judge; nor is it, as I am informed, without some difficulty, that other gentlemen of capacity are prevailed upon to act. These judges are likewise under the obligation of a similar oath with that taken by the Justices; and all matters of fact in this court also are tried by juries chosen by ballot, out of persons that are summoned from the several counties; it is not probable then that any partiality should, in this court, be shewn to the Proprietor, his Lieutenant-governor, or any of his council; nor can the author of the Queries mention a single instance of such partiality.

Query 15th. "Who presides as Chancellor? Does not the Governor for the time being? Is he, from the nature of his office, more independent than the rest of the judges? Is his extensive knowledge in jurisprudence the notive for advancing him to this important station; or rather, is it not an office annexed to that of Governor, whatever may have been his former profession? Should such a one, whose education has been no ways suitable to so exalted a character, p. 24 call in the sages of the law to his assistance, who are they? Are they not gentlemen of the Proprietor's council, perhaps advocates at the bar, who, as has been before observed, have very lucrative offices, and are created or annihilated, both as members of the council, and of the Upper House of Assembly, solely by his will and pleasure?"

Answer. As the Governor in most, if not in all the crown governments, is Chancellor, so is the proprietor's Lieutenant-governor in Maryland: when he pleases, he may call to his assistance any gentlemen of the law, who do not practise in that court, and he generally does so; and as many decrees have been given by the present Chancellor, and only one, I am informed, appealed from in the course of more than ten years, it must be presumed that the parties were satisfied, and the determinations agreeable to justice, equity, and good conscience.

Query 16th. "In case of appeal from either of the two former courts, who constitute the Court of Appeals? Do not the Governor p. 25 and his council? Is it probable, that a decree in Chancery will be reversed in this court, where not only the Chancellor himself, but even the same sage assistants in the law, preside as judges? or will any man, who is a judge of the human heart, and acquainted with all its passions and imperfections, determine property to be very secure, where such enormous powers are lodged in the hands of a junto, who may possibly, in future ages, forget the noble ends for which they were given, and render them subservient only to their own private emolument?" Contemporary Printed Pamphlet Md.Hist.Soc.

Answer. In case of appeal from either the Provincial or Chancery Court, the appeal is made to a court, composed of the Governor and Council; but if the appeal is from the Provincial Court, in such case the Chancellor, who sat there as one of the judges, never makes one in the Court of Appeals. If either of the parties concerned in the cause are dissatisfied with the determination of the Court of Appeals, they have a dernier resort, and may carry the matter home by appeal or petition to the King and Council. This is an absolute security against fraud, or errors of judgment, because any sentence p. 26 complained of, may, if wrong, be at any time reversed. This so essential and beneficial a part of the constitution, the Querist has thought proper not to take the least notice of. Whatever apprehension the Querist, judging of other's hearts by his own, and thereon making calculations of chances, might have entertained, lest the gentlemen in whom the Lord-proprietor has placed a confidence, should abuse the power intrusted to them, a single instance cannot be mentioned by him of any such abuse. All the quirks, false representations, and virulence of this Querist, favour much of the assistance of a lawyer, but in so rough and unpolished a manner, as is, according to M. de St. Evremond, "fit only to corrupt the mind, by accustoming men to cultivate their imaginations, rather than inform their judgment, and to seek for verisimilitude to impose upon, rather than solid reason to convince the understanding." I here end my observations on the Querist's Queries. As to the parallel I have drawn between the colonies immediately under the Crown, and the p. 27 Province of Maryland, in respect to their political form of government, I derive my authority for it from the best intelligence, such as I think may be depended on.

I shall now, according to my promise in the beginning of this letter, proceed to give you my observations upon the pamphlet, entituled, "Remarks upon a Message sent by the Upper House to the Lower House of Assembly of Maryland, in 1762, containing a Vindication of the latter in their Conduct relative to a Supply Bill for his Majesty's Service, and occasionally interspersed with some curious and interesting Particulars respecting the Constitution of the said Province."

> To hear an open slander is a curse,
> But not to find an answer, is a worse.
> Dryden's Trans. of Ovid. Met.

This pamphleteer, on entrance upon his works, says,

"The right of an individual to animadvert upon public measures, has never been controverted in a free government, but by the p. 28 enemies of liberty, and patrons of corruption. I enjoy this great privilege (says a political writer) by being born in a free govern-

Contemporary Printed Pamphlet Md.Hist.Soc. ment, that, as a private man, I am not accountable to the greatest man in the state for my actions; but the greatest man in the state, in a public station, is accountable to me," &c.

This sounds great, but the dictum of the polemical writer quoted, must have been, I presume, with proviso, that such writers keep strictly within the bounds of truth and justice; if not, he is absolutely accountable, especially to the greatest man in the state, for falsity and calumny dispersed, and for any injury done thereby, either to the community in general, or any individual member thereof.

The writer has here and there interspersed in his work, some seemingly curious and interesting particulars respecting the constitution of the Province. Such as really are of any moment, I shall endeavour to take the proper notice of; the others I consider as phantoms of the author's brain, or already refuted by my answer
p. 29 to the Querist, the common father of both the brats. Truth, founded upon facts alledged and referred to, is the only engine I make use of to batter down all his works of idle conceptions, false assertions, and most vile aspersions, and personal reflections.

You will observe, that the chief points run upon the conduct of the two houses of assembly, relative to a supply bill for his Majesty's service, and the utility of a provincial agent or agents, as plantiff and defendant, as the means for a fair determination by our Sovereign Lord the King in council, to whom all appeal of contest of this kind properly appertains.

The remarker says, page 28 to 30: [pp. 386-387]

"The charge then of the Lower House against the Upper House, that they had sent up the same bill (that is, the assessment bill, or supply bill, for his Majesty's service) nine times, does, in my apprehension, retort strongly upon their Honours, because it has been owing entirely to them, that the disputes between the two houses
p. 30 were not settled long before this time by his Majesty; that the breach between them is as wide now, as it was several years ago, and the prospect of an agreement as remote as ever;" so that in the language of the Upper House, "the second and third meetings in assembly, for the like purpose, influenced by the like earnest desire for his Majesty's service, produced the like bill in the Lower House, which from the Upper House met with the like fate. Let their Honours remember, that in the beginning of the war, the Lower House sent up a bill for the support of an agent in London, which they were pleased to reject, and that sundry succeeding meetings produced in the Lower House a like bill for the like purpose, which the Upper House, influenced by the like earnest desire to submit all disputes to his Majesty, though fit to treat in the like manner; and while their honours continue to entertain a like confidence in the

goodness of their cause, it is easy to foresee, that all future meetings will be attended with a like fate."

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Let us first consider that part of the charge concerning an agent proposed by the Lower House, and with reference to the Upper and Lower House's conduct thereon. - - - - Let us go back to the year 1739, in which year the following bill was offered by the Lower to the Upper House of Assembly, which bill was as follows:

An Act to raise a fund to be applied for the payment of an agent, and other the necessary uses of this Province.

Whereas it is most necessary and convenient that there should be an agent at the imperial seat of our mother country Great-Britain, in order there to transact the emergent and necessary business of this Province; and inasmuch as many occasions do, and may require a solicitation from his Majesty's dutiful liege subjects, the inhabitants of this Province, to his most sacred, royal and gracious Person, who is the protector and father of his people; and likewise to their noble Lord-proprietor residing there. And whereas such agent cannot be supported but at the public charge, nor such sollicitations made, or necessary business transacted, without a fund to that purpose; and p. 32 for that this general assembly are willing and desirous to charge themselves in the staple commodity of this Province, with a reasonable tax to so good and desirable an end,

It is humbly prayed that it may be enacted, and be it enacted, by the Right Honourable the Lord-proprietor, by and with the advice and consent of his lordship's Governor, the Upper and Lower Houses of Assembly, and the authority of the same, That immediately from and after the expiration of this session of assembly, every master or commander of any ship or vessel trading into this Province, before the clearing such ship or vessel, shall pay unto the several respective naval officers, clearing such ship or vessel, the sum of sixpence, sterling money of Great-Britain, for every hogshead, or quantity of a hogshead of tobacco taken on board such ship or vessel, in order to be transported out of this Province; and for every hundred weight of tobacco taken on board such ship or vessel, in order to be transported as aforesaid, either in bundles, chest, case, or other package, one penny sterling for every hundred weight, and p. 33 so, pro rato, for a greater or less quantity.

And be it further enacted, by the authority, advice, and consent aforesaid, That the said several respective naval officers within this Province, shall be, and are hereby obliged yearly, and every year, during the continuance of this act, to collect the money arising by this act in sterling money, in specie, or good bills of exchange, made payable in Great-Britain unto such respective naval officer collecting the same; and such naval officer shall be, and is hereby obliged to pay the sum so by him received, to such person or persons as shall from time to time (by warrant or authority from the house of

Contemporary Printed Pamphlet Md.Hist.Soc. delegates in assembly convened, under the hand of the speaker of the same house for the time being) be appointed trustees to receive the same, deducting, for the trouble and care of such naval officer in such collection and payment as aforesaid, the sum of five pounds per cent. out of such money so to be received and paid, and no more. And be it further enacted, by the authority, advice, and consent aforesaid, That such person or persons so to be appointed p. 34 trustees as aforesaid, shall yearly and every year during the continuance of this act, with all convenient speed transmit such money, or bill or bills of exchange, by them to be received from the several and respective naval officers aforesaid, unto Mr. Samuel Hyde, merchant, in London, who is hereby authorized and impowered to receive and collect the money in such bill or bills mentioned; and that such money, when so by him received, shall remain in his hands, and be as a fund for the purposes aforesaid, and paid by him to such person or persons as the trustees so to be appointed as aforesaid, or the survivor or survivors of them shall, by writing under their hands, order and direct, and not otherwise.

And be it further enacted, by the authority, advice, and consent aforesaid, That such person or persons as shall, from time to time, be appointed as aforesaid to receive the money arising by this act from the naval officers aforesaid, shall be, and are hereby obliged to render and lay an account thereof before the house of delegates of this province, when and so often as the same shall be by them required.

p. 35 And be it further enacted, by the authority aforesaid, That the money arising by the duty aforesaid, shall be applied towards the payment of an agent, to be employed for this Province to reside at London, in Great-Britain, and to such other uses and purposes as shall, from time to time, be thought necessary by the trustees aforesaid, or the survivors of them, and not otherwise. This act to continue until the 29th of September, which shall be in the year 1742. Copy.

By the Upper House of Assembly, June 5th, 1739.

The bill entituled, "An Act to raise a Fund to be applied for the Payment of an Agent, and other necessary Uses of this Province," which you were pleased to send to us, we now return with our Negative to it: for however necessary and convenient it may be, that there should be an agent at the imperial seat, or (if we may be permitted to say) at the court of Great-Britain, yet we cannot but think it decent and reasonable, that the concurrence of the Governor and Upper House should be made necessary in the nomination p. 36 and appointment of the person designed for that employment. The agents on behalf of other plantations are generally nominated by the legislature or government; but this bill strikes out of the common road, and, by an unaccountable piece of policy, not only

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places the power of such nomination in certain persons to be appointed by the house of delegates, and to be called trustees, but also gives to such trustees the sole authority of paying such agent; so that if this bill should be passed into a law, such an agent could not be so properly stiled the agent of the Province, as the minister of the trustees; for he must depend on their sole will and pleasure for his being and continuance in the agency, and on their generosity for his pay.

As to the trustees, the very nature of their power would change their name, or title of trustees, into that of guardians, and what relative term would best suit not only the legislative power, but the whole Province, to answer that of guardian, we shall not presume to mention; but there might be reason to wish (if such a bill should ever be a law) that the conduct of such trustees, represented by their p. 37 minister at the court of Great-Britain, (as you are pleased to express yourselves in your message) with that fund, might not deserve a worse character, and more to the reproach of their constituents, and danger of the whole Province, than that of guardianship.

Although a prettier scheme for power and profit, in our little world of politics, could scarce be thought of, yet, far be it from us to imagine that any persons, either in or out of your house, had any share in this admirable project with a view of being trustees. Should this ingenious contrivance ever take effect, the trustees might play the game into each other's hands, and represent each other in England: the authority which they would gain by their minister's complaints in England, against whatever person or thing they pleased, might very soon become terrible and dangerous to every person they should be pleased to think and stigmatize as delinquents or malignants in this Province: and when, after glutting their vanity with a dictatorial power, and, under pretence of necessary uses and purposes, filling their pockets with money, they should perceive an ap- p. 38 proaching period to their greatness of authority and gain they might, by their minister's consent, employ their power, and the money entrusted with them, to their own private advantage, and the very great prejudice of this Province: instances of this kind have not been wanting in America. We could suggest many other reasons against this bill, but, we doubt not, what we have already said, will be sufficient to convince you of the necessity and justice of our resolution not to pass it; and we are so little apprehensive of what the world can say to our disadvantage in this particular, that we shall think it an honour done us to have it known, by printing the bill with this message: "That this House, with a firmness becoming an Upper House of Assembly, rejected a bill, which not only was big with the most dangerous consequences to every individual person in the Province, and would render the government contemptible in the eyes of our neighbours, but also might draw a

Contemporary Printed Pamphlet Md.Hist.Soc. p. 39 severe censure from the Throne, for putting one of his Majesty's plantations under the power of certain persons called trustees, whose trust was to survive to each other, and their persons irremovable during the continuance of the law." Copy.

By the Lower House of Assembly, June 6th, 1739.

We are as little surprised at your Negative to the bill for payment of an agent, as at your happiness in finding so proper a definition for a minister: however, as you desire your reason for not assenting to be made public, we hope you'll not take it amiss, if we set it in its proper light, that so the meanest capacity may be able to judge of it.

The people of Maryland think the Proprietor takes money from them unlawfully.

The Proprietor says, he has a right to take that money.

This matter must be determined by his Majesty, who is indifferent to both.

The Proprietor is at home, and has this same money to enable him to negociate the affair on his part.

The people have no way of negociating on their part, but by employing p. 40 fit persons in London to act for them; and these persons must be paid for their trouble, and propose a bill for raising a fund to that purpose.

The Upper House tells us, You shall not have that bill, unless you let the Governor and us, or rather the Proprietor, (with whom we contest) have, as well the nomination of the persons to be made use of on this occasion, as determine what, or if any thing shall be paid them for their trouble.

The reproach not only on this House, but on all the Province, couched under the world relative to a guardian, should, we assure you, have been answered in terms it deserved, were it not that we are fully determined, nothing you can say or do, shall draw us into any thing may give you the least pretence for a rupture, which might prevent the execution of the public business, and prove an intollerable charge to the people.

The possibility you mention of the trustees betraying the trust reposed in them, will have very little weight with the world, since the like supposition may, with equal propriety, be applied to all p. 41 trusts of the kind, unless you would have us believe your Honours to be the only infallible persons in the world, and so commit this guardianship you speak of to yourselves: but how convenient that might be for the people, whoever reads your message may easily judge.

We cannot help thinking, that the denying this, looks too much like an unwillingness to have the matter in dispute brought to light; however, we shall give you no farther trouble in it, than to tell you, the people of Maryland have spirit enough, and we hope will find means, without this bill, to do themselves justice so far. Copy.

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By the Upper House of Assembly, June 8th, 1739.

As you are not surprised at our Negative to the bill for payment of an agent, we presume, that you were conscious such a bill could not be expected, in reason or justice, to have a passage in this house; and we declare, that we cannot, with candour, assume to ourselves the whole glory of using the word Minister, since the agent described in that bill very readily and naturally suggested to us the idea of a minister, as mentioned in our message. p. 42

You endeavour to state a case as plausibly as you can for the consideration of the public; but if you will be so candid, as to allow the Upper House capable of being actuated by any principles of honour, and justice, and reason, in matters where his lordship is concerned, your whole reasoning falls to the ground; nor have we as yet denied a passage to any other bill for an agent, but that one in the shape you sent it up to us.

You affirm, that this house told you, "You should not have that bill, unless you let the Governor and us have, as well the nomination of the persons to be made use of on this occasion, as to determine what should be paid them for their trouble."

We are really astonished, and truly concerned, that any warmth should have transported you to that assertion: all that we contended for, was a joint nomination with you as in other governments. These are our words, "That the concurrence of the Governor and Upper House should be made necessary in the nomination and appointment of the person designed for that employment, and that the agents on behalf of other plantations are generally nominated by the legislature or government:" And surely there may be such a person found, as to be unexceptionable in the judgment of every part of the legislature, and very proper for the trust, by that bill, to be reposed in him. p. 43

As to the reproach you mention to be not only on your House, but on all the Province, we can, with the greatest truth, in the most solemn manner assure you, it was so far from our intentions to couch any reproach either on your House, or this Province, under the word relative to a guardian, that one of our reasons for rejecting that bill was, lest the whole legislative power, and the Province, should be reproached with that relative word, by the passing that bill into a law; and therefore, if any reproach could possibly arise from any parts of that bill, it ought not to be imputed to this House, which neither formed or passed that bill, but rejected it.

We cannot believe the world will be so easily imposed on as you imagine: it is very certain, the bare possibility of betraying a trust, ought to have little weight against committing a trust; but it is not less certain, that it is the height of imprudence in intrust any p. 44

Contemporary Printed Pamphlet Md.Hist.Soc. persons with such an authority, and fund of money, as may tempt and enable them to betray that trust, &c. That the world may clearly see what we objected to the bill on this head, we must take the liberty of mentioning some parts of the bill; which in one part of it directs, "That Mr. Hyde (in whose hands the money is to be lodged) shall pay such money to such person or persons as the trustees so to be appointed as aforesaid, or the survivor or survivors of them shall, by writing under their hands, order and direct the same, and not otherwise." And then the last clause in these words, viz. "And be it further enacted, by the authority aforesaid, That the money arising by the duty aforesaid, shall be applied towards the payment of an agent to be employed for this Province to reside at London, in Great-Britain, and to such other uses and purposes,
p. 45 as shall, from time to time, be thought necessary by the trustees aforesaid, or the survivors of them, and not otherwise." Now let us consider the duration, power, and temptation, which the trustees must have had under such a law. First, as to their duration, we say, they could not have been removed from the trusteeship, during the continuance of the law; for after the speaker had once executed his authority of signifying, under his hand, the appointment of the trustees, there could not be another appointment, before all the trustees should be dead, because the other parts, and the last clause of the bill, expressly direct the trust to be executed by the survivor or survivors.—Secondly, as to their power, it is without bounds; they might have done either as much or as little as they pleased; nor is there one thing taken notice of in the bill, as the proper business of the trustees, except fingering the money, and making some application of it (but how much is not mentioned) towards payment of an agent; so that one would be apt to imagine this bill had been
p. 46 calculated principally to gratify these same trustees. Thirdly, let us examine how they might compliment each other out of this fund, without ever being accountable for any embezzlement or misapplication. The sixpence per hogshead intended to be raised by this bill, may be calculated to amount, communibus annis, to 700 l. sterling per annum; the salary formerly allowed by this Province to an agent, used to be 100 l. sterling per annum; but suppose this to be increased to 150 l. or 200 l. sterling per annum; and in the whole three years to 1500 l. or 1800 l. sterling, in their hands or power, which they might dispose of to such uses and purposes as they should, from time to time, think necessary; so that whether they applied it to the use and service of the Province, or to their own use, (which they might judge necessary) they could not be accountable for more than they might think fit to give their agent: for if they should have been questioned, upon laying their account before the house of delegates, what they had done with the money, they might truly say, that the law was very express, that they should have liberty of applying the money to such uses and purposes as they

judged necessary, which they had accordingly done; and that they, Contemporary Printed Pamphlet Md.Hist.Soc.
and none others, were the proper judges of the necessity of such
uses and purposes. Besides, the bill is so drawn in other parts, which
relate to the accounting, that by no rules of construction, the trustees p. 47
could have been answerable for that money. But what we have
said is sufficient for the present purpose; hence you and the rest of
the world may now judge, who acted with a proper care in the disposal
of the country's money; you, who voted so large a sterling
sum as 500 l. or 600 l. per annum for three years, to be disposed of
by certain persons called trustees, as they should think fit; or we,
who neither then would, or now will, concur in such a vote; and
it would have been more than probable, if that bill had passed into a
law, that the people would very soon have had cause to acknowledge,
it could not have been more inconvenient to commit this trusteeship
or guardianship (if you would have it so) to any gentleman in our
house, than to some persons out of it; and we with that infalibility
you mention, was as far from your house, as it is from ours.

However, we cannot be mistaken in this, that such a bill is not p. 48
to be found in any English government; and which, if it had passed
into a law, would have had the effects we before mentioned, of
establishing a new and dangerous power amongst ourselves, making
the whole Province ridiculous to our neighbours, and the risk of
incurring his Majesty's displeasure.

Your message of the 6th instant would not have been less decent,
if the extraordinary threat of the people's doing themselves justice,
had been omitted: whatever you may be pleased to suggest to yourselves
or others, we can never be so insensible of any hardships or
difficulties the people of Maryland may have just cause to complain
of, as not to join chearfully in proper methods for their redress
and ease, and procuring justice to be done them: but we may presume
to say, that the language of doing themselves justice, cannot
be consistent with their subjection and obedience due to his Majesty,
who makes the laws the rule of his actions, and will expect and
exact from his subjects, that their actions also should be comformable p. 49
to those laws.

To conclude, we hope the world (which has been so much talked of in this debate) will have an opportunity of seeing this message, together with the bill and the others on the same subject.

The Upper House in their Address of the 27th April, 1761, to his Excellency Governor Sharpe says,

"Bills for the support of an agent in England have been often sent to us for our concurrence, and we have as often refused it, not only because we were unwilling to subject the country to the burthen of an unnecessary imposition, but because the nature and tendency of these bills have been such, as it can hardly be imagined the framers of them could entertain the least hope, that we should

Contemporary Printed Pamphlet Md.Hist.Soc. p. 50 be so inattentive to our own rights, regardless of propriety, and negligent of all order, as to suffer any of them to pass into law.

"By the uniform scheme of these bills, your excellency, ourselves, and every man in the province without distinction, who has any property in tobacco, were to be taxed, and the money arising from this tax was to be lodged in the hands of such persons as the Lower House might appoint, to be applied as the Lower House only should direct, and the agent to be employed was to be nominated also by them, to act by their instructions only, to correspond with them alone, and to be removed at their displeasure.

"In these bills, aggrievances and oppressions have been in a general manner mentioned; but they have not yet been specified, much less has their existence or reality been proved, or any application made to his lordship for a redress of them.

"Our rejection of these bills has been loudly sounded as an aggrievance, but we cannot help observing, that whilst men are possessed with such transcendant ideas of priviledge, as these very bills testify, they will have an inexhaustible spring of aggrievances, 'till they are at length complimented with a surrender of all authority into their hands, and the other branches of the legislature will be content
p. 51 with the honour of becoming their conduit pipes for the passage of such regulations into the forms of laws, as they shall be pleased in the plenitude of their power to dictate."

The bill aforecited, with the replies of the Upper and Lower Houses, for and against that bill and other bills, about an agent, &c. similar to that inserted, will easily lead the mind of the reader how to determine which of the two Houses are right or wrong in their arguments; whether sense does not so far preponderate with sound reason and justice on the side of the Upper House, as to warrant their return of negative to such extraordinary unfair propositions from the Lower House.

The Lower House says, "The people of Maryland think the Proprietor takes money from them unlawfully." The Proprietor says, "He has a right to take that money." This was in the late Lord-proprietor's time a dictum of the Lower House; if they meant the money raised by the perpetual act of 1704, for the support of government, that money his Lordship's present Lieutenant-governor receives.—I remember an opposition was made by the Lower House
p. 52 in the year 1732, to that act of 1704. The Lower House of Assembly were then apprized of that act of 1704; and that the government of Maryland would rely on that act for a support, if that government should not be by another perpetual law at least as well supported: notwithstanding which notice of this act, the matter was debated in the Lower House, and a temporary bill for support of government was sent by the Lower House to the Upper House, who returned the bill to the Lower, with amendment to this effect, viz. to leave

out the temporary duration of the bill, by which means it would be perpetual; but the Lower House did not proceed any further in that bill, and so the bill dropped. Since that opposition, the duty has been constantly paid under the act of 1704, and the same has been always acquisced in, (as far as I know) and as every merchant in the Maryland trade can testify; which behaviour of the Assembly and people of Maryland (it is apprehended) sufficiently testifies their approbation and consent to the force and effect of that act. The act of 1704 is by tenor perpetual; can it be supposed, the King, or the Lord-proprietor his Majesty's Hereditary Governor, will concede at any time to an alteration by act of Assembly, from perpetual to temporary? This is not to be expected. p. 53

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I have heard an observation made, that it was the sense of some of the Legislature of Maryland, i. e. of the Lower House, that acts granted to the Proprietor for support of Government, did not extend to the King; the meaning of this can only be, that acts made for support of Lord Baltimore's Government cannot be extended to, or sufficient to raise a support for his Majesty's Government: this may be true, and yet it will not follow from thence, that acts made for support of his Majesty's Government will not be sufficient for support of the Government, of which Lord Baltimore by himself, his Deputy, or Lieutenant-governor, has the administration. And further, whether by providing a support for his Majesty, his heirs, and successors, which the act of 1704 does, the Lord Baltimore may not with sufficient propriety, so as to satisfy the act, be said to be the successor of the King in hac parte, if the Government is so totally changed from the King to Lord Baltimore, as that it cannot be called the King's Government. But if it can still be called the King's Government, which it most certainly is, and which appears by allegiance paid to the King, and by his Majesty's approving his Lordship's appointment of the Lieutenant-governor, tho' the Lord Baltimore administers the same Government under the King: then the law of 1704, by the express words intended, and does actually provide for the support of that Government, which his Lordship now administers; and Lord Baltimore, as successor to the King in hac parte, is meant and included in the act: for Lord Baltimore is but his Majesty's Hereditary Governor, and at most but the King's useful substitute, so that it is always the King's Government. p. 54

And it is to be observed, that during the time the administration of the Government was immediately under the Crown, and whilst it was supported by the act of 1704, three pence per hogshead on tobacco was levied for the necessary charges of the Government, which necessary charges by subsequent acts were explained, and the three pence raised thereby was appropriated for a magazine, and to provide arms and ammunition. The same three pence (I am informed) was raised by an act in 1734, the late Lord having at that time the administration of the Government. p. 55

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But to the Remarker's foregoing paragraph, page 29, [p. 386] concerning an agent's bill, he says, "I will just state the case in two words, and trouble the reader no further upon this point. The Lower House have sent up a bill, which they think a reasonable and equitable one. The Upper House have rejected it, because they think it unjust and oppressive. Say the Lower House, We will appeal to his Majesty, and let him decide between us. No, say the Upper House, we will submit to no such appeal."—This is very concise: But is it so? No certainly; which I will prove hereafter.

The Pamphleteer continues to go on in these words: "In the same paragraph is this remarkable passage; (Vide the Upper to the Lower House inserted in this discourse) Why then when other plans, more just and equal, less intricate in their nature, liable to fewer p. 56 objections, and infinitely less dangerous to the undoubted prerogative of the crown and rights and liberties of the people, than their favourite assessment bill were framed, and proposed to those Houses; why were they no sooner proposed than voted out? But whatever were their professions, they had no intention of raising supplies for his Majesty's service; nor of affording this House an opportunity of coming to an agreement with them, at a less expence than that of his Majesty's prerogative, and the people's liberties, by a total subversion of our present constitution, and lodging the several powers thereof, now equally distributed for the preservation of the whole, in their hands? And if their warmest professions appear thus destitute of truth and candour, what regard are we to pay to those so often repeated by yourselves?" The Remarker says, "I have given you the passage entire, because it is a masterpiece both as to language and matter;" he continues, "It puts me in mind of a little county-court attorney, who has a right to speak last in a cause, and from p. 57 that confidence, fumes, bounces and bullies, treats his antagonist with all the Billingsgate of the bar, loads him with calumnies and indecent reflexions, and utters in a style of declamatory vehemence, whatever may tend to blacken and vilify the whole party, without the least regard to truth, candour, or common decency."

The abovementioned paragraph of the Upper House inserted by the writer, seems a quibbling artifice and low craft, to turn the reader's mind from off his foregoing sentences, viz. "Say the Lower House, We will appeal to his Majesty and let him decide between us. No, say the Upper House, We will submit to no such appeal." The reader will be pleased to observe the subsequent paragraph to his assertions is not relative to the agent's bill, though he makes it subsequent, and subjoins it to his foregoing two sentences, saying, "In the same paragraph is this remarkable passage, Why then as other plans more just and equal, &c." as before recited; and at the end he says, "I have given you the passage intire." But he substitutes no reasons given by the Upper in their answer to the Lower House, which as a fair representer of the contest he ought to have done; but instead of such due candour, he immediately launches forth into the most barefaced falsehoods, and virulent, indecent, and base reflexions upon the Upper House, in a language fit only for a Newgate sollicitor.

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To be clear myself from the like imputation of inserting any falsehoods, and to prove his, I must desire your's and the public's attention to what follows, as it contains the whole that passed between the two Houses, and detects the absolute falsities the writer of the pamphlet has dared to commit to print againts the Upper House of Assembly. What will you say, when I tell you, that there is not one word in the Votes and Proceedings, either of the Lower or Upper House, (as will appear by the Journals of the same) I say there is not one word of the following impudent assertions of the pamphlet writer, to wit, "Say the Lower House, We will appeal to his Majesty, and let him decide between us. No, say, the Upper House, We will submit to no such appeal."

As to the subsequent paragraph, wherein he says, "In the same paragraph is this remarkable passage, &c." it is in the Upper House's answer of the 24th April, 1762, to the Lower House, touching a message from the Lower House, April the 15th, 1762, but not one word of the foregoing words, as will appear by extracts from the Votes and Proceedings of the Lower House of Assembly, March the 17th sessions, 1762, and which extracts correspond verbatim with the Upper House's Journals of the same date and year. p. 59

The following message from the Lower House.

May it please your Honours,

To answer the Royal expectations, communicated to us by his Excellency the Governor at the opening of this session, we have framed and passed the bill which goes to your Honours with this message: We have formed it upon such a plan, as to us seems most suitable to the circumstances of our constituents, and in such a manner as we conceive the best adapted to the nature of the plan; but as in a new system of such a length, and of an intricate nature, some parts may possibly be found liable to objections, which may have p. 60 escaped us, and as we, out of a sincere regard for his Majesty's service, and an earnest desire to effect a termination of that difference of sentiment, which has unhappily too long subsisted between the Upper and Lower Houses of Assembly, with respect to the point of raising supplies for the service of the Crown, are willing to depart from a strict parliamentary course, and for the present to wave our right respecting the mode of proceeding on money bills, we therefore hope that your Honours will shew the same good disposition; and if in the course of your consideration of our bill, any objections to it should occur, you will also overlook the strictness of

Contemporary Printed Pamphlet Md.Hist.Soc. Parliamentary forms, and point them out to us, and we assure your Honours they shall have their due weight.

Signed per Order,
J. A. Thomas, Cl. Lo. Ho.

p. 61 The following Message by the Upper House of Assembly, 13th April, 1762.

Gentlemen,

Extremely desirous that his Majesty's requisitions, signified to us at the opening of this session, should be complied with, we cannot but lament, that while you, on your parts, express the same inclination, you have offered us such a bill for raising the supplies, as you must have been satisfied this House would never agree to: It having as the Journals shew, been usual for the Upper House of Assembly in this Province, when it hath been heretofore thought expedient to raise money for the King's service, the security and defence of the inhabitants, or for other purposes, not only to amend supply bills that had been framed in the Lower, but often to prepare such bills themselves, and send them down for the concurrence of the Lower House, (though indeed bills of this fort were commonly drawn by a committee of both Houses) we are confident it would not have been irregular, or contrary to the established mode of proceeding, p. 62 for this House to have proposed amendments to the bill you were pleased to send us last Friday, nor should we have declined to exercise the right we have to do so, had not the little regard you have shewn to the many objections, which this House in April, 1758, made to the bill then offered, confirmed us in an opinion, that there was no probability of the two Houses coming to any agreement upon the bill, which we now return with a negative. From your having provided for the levying, cloathing, and paying of only 400 Provincials, we presume you are of opinion, that over and above the eighty-four recruits, required as our quota towards compleating the regular regiments on this continent, it would be impossible for this Province to levy and keep up a greater number. Now, according to the calculations and allowances you yourselves have made, less than one third part of the sum proposed by your bill to be granted, will be sufficient for these purposes; but at the same time we are inclined to believe, that if all the real and personal estate in the Province was to be taxed agreeable to your plan, could it be carried into execution, a sum at least twice as great as what you have mentioned, would be raised even in one year. And as we conceive, a sum adequate p. 63 to the purposes of levying, cloathing and paying the men, which you have thought fit to vote, may be easily raised in this Province, without creating such confusion or discord among the inhabitants, as would certainly be occasioned, was this new intricate system of yours to be carried into execution, we are in hopes, that upon mature consideration, you will agree to raise the supplies wanted, by some such simple mode of taxation as hath been heretofore pursued in this Province; so that the dispute, which hath indeed already too long subsisted between the two Houses of Assembly, may be at length happily terminated.

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Signed per Order,
J. Ross, Cl. Up. Ho.

Which was read, and thereupon ordered, That Mr. Edward Tilghman, Mr. James Tilghman, Mr. Murdock, Mr. Hammond, Mr. Ringgold, and Mr. Robert Lloyd, do prepare and bring in a message, to be sent to the Upper House, in answer to the message of this day.

p. 64 Mr. Robert Lloyd brings in and delivers to Mr. Speaker the following message, which was delivered to the Upper House on the 16th, by Mr. Edward Tilghman, and Mr. J. J. Mackall.

May it please your Honours,

Your Message of the 13th instant, is matter of real concern to us, as it deprives us of all hopes, for the present, of coming to an agreement with your Honours, about the manner of raising supplies for his Majesty's service, and for defraying the charges heretofore incurred in the defence and protection of the frontier inhabitants of this Province, and other necessary purposes, which we were willing to flatter ourselves, our message, accompanying the bill for those purposes, sent up to your Honours, would have produced.

[*This message from the Lower House to the Upper House, dated April 16,th 1762, of which the beginning of the first paragraph is printed above, is printed in full in, and occupies pages 64 to 72 of the pamphlet. It will be found in Archives of Maryland, Vol. LVIII, pages 127-130*]

By the Upper House of Assembly, 24th April, 1762.

Gentlemen,

Your Message of the sixteenth instant is of so extraordinary a nature, both in language and sentiment, and so unbecoming the representatives of the people of Maryland, which, without the least foundation, sets up for an unrivalled zeal for his Majesty's service, and arrogates to itself the rights and powers of a British House p. 73 of Commons, that, but for the salutary motive of obviating these groundless pretensions, we most certainly should not have paid the least regard to it.

[*This lengthy message from the Upper House to the Lower House, of which the first paragraph is printed above, occupies pages 72 to 94 of the printed pamphlet. It is not reprinted here as it has already appeared in full in Archives of Maryland, Volume LVIII, pages 56-64*]

Contemporary Printed Pamphlet Md.Hist.Soc. p. 95 You will be pleased to observe, that not one word is to be found, either in the foregoing messages of the Lower House, or in the answers of the Upper House, of what the Remarker mentions about an agent's bill in page 29 [p. 386], where he says, "The Upper House have rejected it, because they think it unjust and oppressive. Say the Lower House, we will appeal to his Majesty, and let him decide between us. No, say the Upper House, we will submit to no such appeal."

I leave to the impartial reader to determine, what must be the religious principles of the Remarker, who could so wantonly and wrongfully asperse the untainted integrity and duty of the Upper House, by the above-cited injurious assertion.

The Remarker says, page 37, to 39. [pp. 390-391] "If the objects of the bill (i. e. the supply bill) had been a total subversion of the constitution, the destruction of his Majesty's prerogatives, and an usurpation of all powers of Government, I dare say, they would not have escaped the animadversions of the penman of the objections in 1758, who would have been as quick-sighted in spying such exceptionable p. 96 passages, and as ready in pointing them out precisely, and exposing their fatal tendency, by apposite remarks and arguments, as the authors of the present message, have been hardy in imputing them without the least colour of evidence, to the Lower House; there is, I will venture to assert, nothing in the bill, which can give any countenance to the charge of encroaching upon prerogative, or claiming any share of the executive powers of Government, unless it be the nomination of commissioners, and what does that much boasted opinion of the late attorney-general declare upon this point? Why [sic] That the sole nomination of these commissioners, who are new officers appointed by this bill, belongs neither to the Proprietor nor the Lower House stricto jure; but, like all other new regulations, must be assented to by both, but can be claimed by neither. The Proprietor's charter intitles him to nominate all constitutional officers, and all others, which by the laws are not otherwise provided for. But I do not conceive my Lord has any original right to nominate p. 97 new officers, appointed for the execution of a new law, without the consent of the two Houses; nor, on the other hand, have the Lower House any such independent authority, and therefore I think, the Upper House are right, notwithstanding this claim, in which they ought to be supported by the Proprietor; because it is unreasonable for one branch of the legislature to assume a power of taxing the other, by officers of their single appointment."

The Remarker says, "Here it is explicitly declared, that the appointment of commissioners is not comprehended among the prerogatives of the Proprietor, but should be made by the concurrence of the several branches of the legislature. If this be the case, how was there, in this instance, any attempt to invade his Majesty's pre-

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rogatives? The utmost it can amount to is, that the Lower House by their bill, infringed the parliamentary rights of the other branches, in not admitting them to an equal share in the nomination of commissioners," because, says he, "it is unreasonable for one branch of the legislature to assume a power of taxing the other by officers p. 98 of their single appointment.

"This I say can have no relation to any thing, but the Parliamentary priviledge in this instance, reciprocally subsisting between the several branches, and can, by no torture of expression, be construed to extend to an invasion of the prerogative, which is always exercised independently of either branch.—I cannot help making one remark upon an expression in the opinion of the attorney-general, and that is the word unreasonable, applied to the conduct of the Lower House. One would have thought, that a person, who is so peculiarly obliged by the duties of his office, to guard the prerogatives of his Majesty, in animadverting upon a passage, which the Upper House must make the basis of their charge, would have made use of an epithet better adapted to that spirit of undutifulness and disloyalty, which their Honours have so freely imputed to the Lower House, had there been in his opinion the least occasion for it."

The Upper House insists upon being equal, as to the appointment of commissioners, to which the Lower House dispute their consent. p. 99

The reader will here be pleased to have recourse back to the public papers concerning supplies, inserted in this discourse, viz. the Lower House's messages of the 9th and 16th April, 1762, and the Upper House's messages of the 13th and 24th April, 1762. These public exhibitions of both Houses of Assembly will thoroughly inform him of the conceptions and proofs alledged by both Houses, in regard to the right and manner of raising supplies for his Majesty's service, and I likewise insert his Majesty's attorney-general's opinion, entire extracted from the printed proceedings in 1760, of the Lower House, relative to taxation; these circumstances will throw a light upon the whole, and evidently shew, that the absurd, unjust, unequal and oppressive assessment by the bill proposed by the Lower House for his Majesty's service, was an unwarrantable plan, and an invasion of his Majesty's prerogatives and the people's liberties, thrown into the hands of the Lower House by their unconstitutional bill, and their claim to the rights of a British House of Commons, i. e. p. 100 the Lex Parliamenti.

The opinion of his Majesty's attorney-general:

As to the nomination of officers by the Lower House;

In my opinion the sole nomination of these commissioners, who are new officers appointed by this bill, belongs neither to the Proprietary nor to the Lower House, stricto jure; but, like all other new regulations, must be assented to by both, but can be claimed by neither. The Proprietary's charter intitles him to nominate all

Contemporary Printed Pamphlet Md.Hist.Soc. constitutional officers, and all others which by the laws are not otherwise provided for: but I do not conceive my Lord has any original right to nominate new officers appointed for the execution of a new law, without the consent of the two Houses;

[*The opinion of Charles Pratt, the attorney-general of the Crown, of which the opening paragraph is printed above occupies pages 100 to 104 of the printed pamphlet. It will be found printed in full in Archives of Maryland, Vol. LVI, pages 202-204*]

p. 105 Observe the sophistry of the pamphleteer, where he says, "This I say, can have no relation to any thing but the Parliamentary priviledges in this instance, reciprocally subsisting between the several branches, and can by no torture of expression, be construed to extend to an invasion of the prerogative, which is always exercised independently of either branch."

How slightly and unconcernedly he mentions the attempt made by the Lower House upon the Parliamentary rights and priviledges by their bill, i. e. the supply bill for his Majesty's service! tho' he himself says, "It can have no relation to anything but the Parliamentary priviledges in this instance." The Lower House cannot, without the highest presumption, assume the priviledges of the House of Commons of Great Britain, nor can they, without the utmost arrogance, invade the legislative rights or priviledges of the Upper House of Assembly, "by not admitting them to an equal share in the nomination of commissioners."

Nor is there any impropriety in the Upper House's claiming an p. 106 equal right in the nomination of commissioners, as is explained by the foregoing opinion of Mr. Attorney-general.

The Remarker again continues his wonted method of quibbling in these words: "I cannot help making one remark upon an expression in the opinion of the attorney-general, and that is, the word unreasonable, &c."

Why this criticism on the word unreasonable? Does Mr. Attorney-general shew any passion or warmth by this expression? Is not the word rather of a mild, than of an harsh signification? Is not the admonition intended by him conveyed in the most gentle terms, by the use of that very word? Does he not sufficiently justify the use of this term in the following words: "Because it is unreasonable for one branch of the legislature to assume a power to tax the other by officers of their single appointment."

As to the words, undutifulness and disloyalty, adopted by the Remarker, they are not in the question, nor ever came out of any body's mouth but his own.

The Maryland constitution and government, is formed, com-
p. 107 paratively speaking, as near as can be, upon the same plan, and is an epitome of our Government, and constituted and exercised accordingly. The Lord-proprietor exercises his authority and legislative

part of the Government, in the strictest sense as prescribed by his Royal Charter, and with all allegiance and due submission to his Sovereign, to whom all appeal is for redress. Contemporary Printed Pamphlet Md.Hist.Soc.

It is of important consideration, that the Province of Maryland, uncultivated at the time of its grant in 1632, first had its establishment from Cæcilius Lord Baltimore, the present Lord's ancestor, who actuated by a laudable zeal for the enlargement of the British empire, planned, raised and nurtured this colony by people transplanted from hence at a very large expence, from his own private circumstances only; this is evident, not only from the Provincial acts and records, but also from writings now extant. The staple of this colony is tobacco, a product not of Great Britain; it is carried to foreign markets, and the profit produced thereby is banked in our island, and almost in general laid out in the purchase of our British manufactures, which are returned to the Provincials by the merchants here; the entries of such goods exported to the Province are manifest p. 108 at our out ports, and it appears by bills of lading to a very large amount, that the profit annually accruing to Great Britain from thence is very considerable; besides the real benefit this Province is of, by improvement of the act of navigation. The Lord-Proprietor of Maryland therefore, must be looked upon and esteemed, as a subject of great consequence and benefit to his native country.

The present Proprietor's moderation and generosity are conspicuous and well known in the Province. The uncultivated lands purchased (as I understand) at 5 l. per 100 acres of the Lord Proprietor, are generally by his tenants sold at 7 l. and 8 l. and often for double price, with reserved quit-rents to them and their heirs, which, I am informed, are equal and often more, than they pay to the Proprietor; this is well known in the Province, and no secret here; nor has the Proprietor raised (as other Provinces have done) the price of fresh lands to new settlers, or augmented the quit-rents, but often receives less than his due, on account of the distress of some, and p. 109 forgives frequently others whole dues and forfeitures, rather than by process at law, or seizure, recover them, at an expence often too great for such tenants to bear. These are testimonies of the benevolent and humane disposition of his Lordship's heart; for the truth of which I refer any who doubt, to Benjamin Tasker, Esq. President of the Council, and Edward Lloyd, Esq. the first was, and the latter now is, Agent and Receiver-general of his Lordship's dues and forfeitures by common law in the Province.

Touching his generosity in defence of the Province in the late war; he has, out of his own good will, subjected his manor-lands, by act of Assembly, to be taxed in common with other cultivated lands in the Province, though by law he is not subject to any such taxation, as I will make appear hereafter.

He has also sent a quantity of gunpowder and ball for the defence of the Province; this the Lieutenant-governor can attest. With re-

Contemporary Printed Pamphlet Md.Hist.Soc. p. 110 gard to his father's, the late Lord-Proprietor's good-will towards the Province, the following act will sufficiently evince the great regard he had for, and the vigilant attention he always shewed to the prosperity of Maryland.

By an act of Assembly in 1733, he assented to an act called the Currency Act, and for the payment and the better insurance ad valorem of the paper money issued in consequence of that act: He did voluntarily grant re-exportation, duty free, of all tobacco's, (the staple of the colony) tho' to his Lordship's very great loss, as will appear from the following extract:

Provided always, that in case any tobacco, for which the said duty shall be paid, shall be lost in the exportation thereof from this Province; that then and in every such case, the Proprietor or person, who shall have paid the aforesaid duty for such tobacco, shall and may export the like quantity, duty free; to be allowed by the naval officer who shall receive the duty.

The loss his present Lordship has suffered during the late war, cannot, I think, be rated at less than 500 l. or 600 l. per annum. This gratuity of his Lordship, relative to the sterling value of the currency issued, all the merchants and traders to the Province know to be a fact of value, and consequence to trade in general, and the p. 111 Province in particular; and to the honour of his Lordship, and credit of the Province be it spoken, that the currency issued for the use of the Provincials by that act, has been no small sum, and consequently of vast advantage to that Province. The expiration of the act is this year, (I think I am right) when the capital fund which has arisen from the duties, and is now vested and laid out in Bank stock will, when sold, fully answer the purpose, by rendering the currency issued of sterling value.

These peculiar circumstances amply denote his Lordship's steady affection to our Sovereign Lord the King, in that part of his Majesty's territory in America where his Lordship under his favour presides, and at the same time convey advantageous marks of real benevolence of the late Lord-Proprietor. And it is worthy of consideration, that his present Lordship is at a considerable expence on his part, for the running the boundary lines, between Maryland and Pensylvania, being the only means to settle and to assert the property thereof, not only to himself, but also to those in possession p. 112 of lands within his Province; as it ascertains to them quiet possession, and prevents all law suits, which might be occasioned often by claims, either by Maryland or Pensylvania, as well as to ascertain the limits of the government and dominion of Maryland. These are considerable munificences, and others can be ascertained expressive of allegiance and affection to our Sovereign Lord the King, and to the people, his Majesty's subjects, and his Lordship's tenants in Maryland.

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Shall not these and many other acts of the like importance and tendency towards the good of the Province, perpetually exercised by the Proprietor, stop the libelling pen of any anonymous writer? Shall he, or a junto of a few wou'd-be popular, self-interested, ambitious and ill-designing men, carry their pernicious schemes, so far into execution, as to be able, by their false negatives, quotations, and assertions, to exclude men of strict virtue, justice, and honour? No! The good of the whole, established by law and reason, will take care to baffle all attempts of this kind, whenever made by all the co-operating powers of a weak, restless, discontented few.

p. 113 Concerning the tonnage duty to the Lord Proprietor, which from my commerce with the Province, I find, has been unfairly represented by some in the Province and here, insinuating, that the duty per ton on shipping, is a fort duty and not belonging to the Lord Proprietor; I shall easily rectify this false notion, and undeniably prove this duty to be solely for the benefit of the Lord Proprietor. In order to which, I need only quote some extracts from a copy I have seen of the report made after tryal at the court of Whitehall, the 23d of February, 1692, Present the King's most excellent Majesty, &c.

"As to the second demand of fourteen pence per ton, for all tobaccos exported out of that Province, I find by an act of the Assembly of that Province in 1661, it was enacted, that all vessels whatsoever not properly belonging to this Province, having a deck flush fore and aft, coming in and trading within that Province, should pay for port duties and anchorage, a pound of powder and three pounds of shot, or so much in value for every burthen to the said Proprietor and his heirs; which duty hath by usage been turned p. 114 into money, viz. fourteen pence per ton, and so answered to Lord Baltimore, and constantly applied to his own use, and not to the support of Government, as the Lord Baltimore affirms to me; and by order of Council of the 26th February, 1690, this duty of fourteen pence per ton was directed to be answered to the Lord Baltimore as Proprietor of the Province, and likewise instructions given to Colonel Copely, Governor of Maryland, to permit the Lord Baltimore, or his agents, to receive the same, without any disturbance or interruption; and I conceive upon the words of the act, this duty doth belong to my Lord Baltimore as Proprietor, to be received by him to his own use; and it would be a thing of dangerous consequence, to admit of parole proof of an intention in the law makers different from the words of law, to say, that the duty, and it seems to be admitted by the Assembly, that this duty of fourteen pence per ton doth by law now belong to the Lord Baltimore, by desiring their Majesties Royal assent to an act to invest in their Majesties, &c." p. 115

November 2d, 1692.

Copy. Thomas Trevor.

Contemporary Printed Pamphlet Md.Hist.Soc. "His Majesty was pleased to approve of the said report and order, and it is hereby ordered, that the act lately passed in Maryland for the fourteen pence tonnage be, and hereby is, set aside and disallowed, and the Lord Baltimore be permitted without any disturbance or interruption to collect and receive by such person or persons, as he shall thereunto authorize and appoint, the said duty of fourteen pence per ton for port duties or anchorage, for his own use and rights belonging to him by law, as the Lord Proprietor of the said Province, as well as Colonel Copely, his Majesty's present Governor, as the Lord Baltimore and all others whom it may concern, are to take notice of his Majesty's pleasure hereby, and to comply with the several particulars of the said report."

Copy. John Nicholas.

p. 116 Thus do I understand the opinion of the then Sollicitor-general, and the report of the board of trade was for the act of tonnage in favour of the Lord Proprietor, and that his Majesty thereupon ordered his Governor of Maryland to permit his Lordship's agents to collect the duty of fourteen pence per ton, as they had heretofore done.—Reference to records of the King's Council, and Provincial Council in Maryland recorded.

The Pamphleteer (page 41 to 44,) [pp. 393-394] revives the Querist; he says, "For proof of the Proprietor's power to remove Counsellors, and consequently the Members of the Upper House, at his will and pleasure, I must beg the reader's patience, while I lay before him the famous case of the late Thomas Bordley, Esq. as far as is pertinent to this point, which stands as follows."

Part of the Governor's speech, February 20th, 1721.

Gentlemen of the Upper House of Assembly,

"In relation to Mr. Bordley, I must let you know, that my discharging p. 117 him from giving me farther counsel, is not designed to affect him as a Member of your House, if, as such, he has a right to sit therein, which point I desire you will enquire into, and inform me of your judgment therein, that justice may be done."

The Answer of the Upper House, February 23, 1721.

"We find, by inspecting our Journals, that the Upper House of Assembly for this Province, under a Proprietary Government, was always composed of such persons as were Members of his Lordship's honourable Council, and that, and that only qualification is, and has, been thought necessary to impower any person to act as a Member of that House. We are therefore humbly of opinion, in reference to Mr. Bordley, that if he be legally discharged from being a Member of his Lordship's Council, he is thereby disabled and deprived of the priviledge of acting as a Member of the Upper House of Assembly." Annapolis, Feb. 23, 1721.

"Mr. Bordley (being sent for) appears and being asked by his Honour, whether he conceived and insisted on it, that by virtue of his Honour's letter of the fifteenth of September last, he was discharged from being a Member of the Council? Answered, that when he received the said letter, he did think so, and that he was of the same opinion still; and then withdrew.—After Mr. Bordley had withdrawn, his Honour expressed himself as follows." Contemporary Printed Pamphlet Md.Hist.Soc. p. 118

Gentlemen of the Upper House,

"As the Lord Proprietor has an undoubted right to discharge, as well as make a Counsellor, and that his appointment of one is the only qualification by which he is a Member of your House; I am of your opinion, that Mr. Bordley's being discharged from the Council, of course discharges him from the Upper House of Assembly. And as to the legality of what is done, I have particular instructions from his Lordship relating to Mr. Bordley, with a full power of dismissing him."

Charles Calvert.

An Address of the Upper House of Assembly, presented to his Honour the Governor, by Colonel William Holland, one of their Members, viz. p. 119

To the Honourable Charles Calvert Esq. Governor of the Province of Maryland, The humble Address of the Upper House of Assembly.

May it please your Honour,

"Your Honour's asserting his Lordship's undoubted right of discharging any Members of his Lordship's Honourable Council from acting as such (of which we never in the least doubted) together with your acquainting us, that you had a particular instruction from his Lordship in relation to Mr. Bordley, and a full power to dismiss him, thereby to convince us of the legality of his discharge, induces us to apprehend, that your Honour resents our making it a question, in our answer to your speech at the opening of this session, whether he was legally discharged or not? And therefore, in the humblest manner, we think it our duty to represent to your Honour, that we p. 120
could not well answer the question proposed to us, without that reserve. For as your Honour had never been pleased to communicate to us your reason for discharging Mr. Bordley, the manner of doing it, or the power his Lordship had given for that purpose, and for that his being a Member of the Upper House of Assembly depended upon that of his being at the same time of the Council, we could not give an answer to the one, without making it conditional with respect to the other. So that we hope you will not interpret that sentence, as questioning his Lordship's power, &c."

The Remarker says, "This case is so fully in point, that I shall only observe upon it, in general, that the right of the Proprietor to

Contemporary Printed Pamphlet Md.Hist.Soc. discharge a Counsellor is asserted by the Governor, and explicitly acknowledged by the Council, and even by Mr. Bordley himself, the party immediately affected, and who perhaps understood the constitution of Maryland as well as any man now alive. It is a vulgar p. 121 notion, that the Proprietor has a right to displace a Counsellor, but that he cannot remove him from his seat in the Upper House, or annihilate his legislative capacity; but the above case is a solemn determination to the contrary, nor do I know it has ever been contravened by any subsequent proceedings, so that the precedent remains in full force to this day."

The Remarker cites no cause for the removal of Mr. Bordley from the Council; a cause there must have been, and I suppose known tho' not given. The Governor condescended, and puts the question to the Upper House, as only affected about the dismission of Mr. Bordley a Member. He says, "Which right I desire you will enquire into, and inform me of your judgment therein, that justice may be done;" the Upper House answer, "That if he be legally discharged from being a Member of his Lordship's Council, he is thereby discharged and deprived of the priviledge of acting as a Member of the Upper House. Mr. Bordley asked by his Honour, whether he conceived and insisted on it, that by virtue of his letter p. 122 of the 15th September last, he was discharged from being a Member of the Council? answered, that when he received the said letter he did think so, and that he was of the same opinion still."

The Governor expressed himself to the Upper House thus, "I am of your opinion, that Mr. Bordley's being discharged from the Council, of course discharges him from the Upper House of Assembly, and as to the legality of what is done, I have particular instructions from his Lordship, relating to Mr. Bordley, with full power of dismissing him."

The Upper House's Address says, "Your Honour's asserting his Lordship's undoubted right of discharging any Members of his Lordship's Council from acting as such, (of which we never in the least doubted), together with your acquainting us, that you had particular instructions from his Lordship in relation to Mr. Bordley, and a full power to dismiss him, thereby to convince us of the legality of his discharge, induces us to apprehend, that your Honour resents our making it a question in our answer to your speech, whether he was legally discharged or not? And therefore in the p. 123 humblest manner, we think it our duty to represent to your Honour, that we could not well answer the question proposed to us, without reserve; for that being a Member of the Upper House of Assembly depended upon that of his being at the same time of the Council.—So that we hope you will not interpret that sentence, as questioning his Lordship's power, &c."—The Remarker says above, "This case is fully in point, &c."—and so it is, but with the following distinc-

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tion, which he knows nothing of.—The dismission of a Privy-Counsellor is the undeniable prerogative of the Crown; but then there is no necessity such Member of the Privy-Council should also be a Member of the Upper House of Parliament of England, and granted, that such Member of the Privy-Council be also a Member of the Upper House here, his Majesty's dismissing him from the Council does no way affect his seat in the Upper House of Parliament.

The comparison between the two dismissions you see, Sir, can no way hold, is needless, and far from the point the writer argues for. Why does he not keep to the Rights and Prerogative exercised by his Majesty, relative to the Counsellors and Members of the p. 124 Upper Houses in the colonies, immediately under the authority of his Majesty, and those exercised by the Proprietor delegated to him by the King's Royal Charter; because there he will find no difference, The dismission is undeniably of the same force and validity under the delegated, as the immediate power of the King's supreme authority.

As to the similarity between the two authorities, I refer the Pamphleteer back to my Answer to the Querist, No. 2. which with what I have said above, will clearly obviate the following, and all other his absurd remarks on this head.

He says, "It is a vulgar notion, that the Proprietor has a right to displace a Counsellor, but that he cannot remove him from his seat in the Upper House, or annihilate his legislative capacity.—The above case is a solemn determination to the contrary, nor do I know it has ever been contravened by any subsequent proceeding, so that the precedent remains in full force to this day." Yes, and will remain a prescriptive right granted by regal authority to the Lord-Proprietor, and will for ever be a bar against the unjust at- p. 125 tempts of the Pamphleteer and all his adherents, to subvert or molest, the power or property of the Proprietor in possession; 'tis too strongly fix'd for him to pretend to meddle with it.—Respecting the establishment of the Upper House of Assembly, I conceive no doubt of the rectitude of their actions, conjunctively in the legislature with the Lower House.

The writers says, (page 55,) [p. 400] "The Upper and Lower Houses, say their Honours, are coeval." This, says he, "is nothing but a play upon the words Upper and Lower, which being relative terms, and mutually implying each other, can neither of them exist independently of the other. For let it be supposed that the legislature, according to the plan of the Charter, had consisted only of two branches, to wit, the Proprietor or his deputy, and the delegates of the people, from the first settlement of the Province till yesterday, when his Lordship's Council were admitted a branch of the legislature, and the necessary distinction of the Upper and Lower Houses was introduced; the proposition to-day that the Upper and Lower Houses

Contemporary Printed Pamphlet Md.Hist.Soc. p. 126 are coeval, would be just as true as it is in their Honours message." —Is this fair or true reasoning? What do the words of the Charter say, about enacting laws, and the good and happy government of that Province? "We will that the said Lord Baltimore and his heirs, shall assemble in such and such form as to them shall seem meet." Wherefore, whether Lord Baltimore did establish the Upper House or not, as part of the legislature, (which is not well to be supposed but that he did, or at least gave his consent to) the Upper House wants no act whatsoever to established its power coequal with the Lower House. It is so by prescription [in law.] The right and title to which is grounded upon a long and continued possession, confirmed by the Proprietors, and having from time to time cooperated together in the administration of the Government. I have seen a copy of a money-act of the Maryland Assembly, enacted in 1650 viz. "Be it therefore enacted by the Lord-Proprietor, by the advice and assent of the Upper and Lower Houses of the present Assembly," William Stone, Governor.—This act is of 114 years
p. 127 standing—A length of time which renders the right of possession uncontrovertible, and should make the author of the words yesterday, or to-day, page the 55th [p. 400] blush (if he has any shame) at his being so openly convicted of such a notorious falsehood. As to his saying, "Had the legislature consisted only of two branches, to wit, the Proprietor or his Deputy, and the Delegates of the people:" What then? The Deputy would have had a power to dissent to any acts he thought proper. The means for the redress would be the same then as now. If the Delegates thought the Deputy wrong, they might apply to the Proprietor in person; if unsatisfied by him, they might appeal to the King himself for redress.

The Remarker says above, "The Upper and Lower Houses, say their Honours (the Upper) are coeval, this is nothing but play upon the words Upper and Lower, which being relative terms, and mutually implying each other, can neither of them exist independently of the other."—The words Upper and Lower, without any equivocation or play upon the sound, must bear this import, that as it is impossible
p. 128 for one to be before the other, so it necessarily and logically follows, that they are coequal in all parts of legislative power, of which both Houses are constitutionally possessed. See more in my answer to the Querist, No. 1, 2, 3.

He goes on (page 45 to 47.) [pp. 395-396] "If it be true then, that the Upper House derive their existence from the Proprietary appointment, that their continuance in that capacity depends on his will and pleasure, and that all, or a very great majority of them, hold very lucrative employments under him, I think, without descending to a particular recital of their conduct, it must follow, not that they are the guardians of the people's rights, but that they are as dependent upon the Proprietor, as the love of power, or the motive of

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interest, can possibly make any body of men. But I have no occasion to confine myself to speculative arguments, derived from the nature of their constitution, to shew how little right they have to assume the title of being the guardians of the people's rights, since their own conduct furnishes abundant proof of an attachment to the Proprietor's interest, very naturally resulting from their dependence upon him. p. 129

"Their attempt to deprive the people of the fines on ordinary licences, because the Proprietor thought fit to lay claim to them, and in consequence thereof, granted them to Cæcilius Calvert, Esq. his Secretary, for life; and their conduct in the beginning of the war, in refusing to pass a bill for his Majesty's service, because the licence-money on pedlars was made one of the sinking funds; together with their constant rejection of almost all penal bills, unless one half of the forfeiture went into the Proprietor's pocket, are (among many others that might be mentioned) proofs too palpable to admit of any doubt whose interest they are the guardians of, &c."

The Upper House is nominated and appointed by the Lord Proprietor, impowered thereunto by Royal Charter, and is the second branch of legislature of the colony, similar in every respect to the like branches in other Governments, which are immediately under the Crown. See the answer to the Querist, No. 2.

p. 130 Their existence depends upon their conduct, and while that is upright and just, their seat and station in the Upper House is sure and permanent. Certainly they may be stiled the guardians of the people's rights, inasmuch as they, by being his Lordship's Council, are the persons, who, upon an appeal made to them, have a power to determine the boundaries and land-marks belonging to the people's property, &c. The lucrative employments in the disposal of the Lord-Proprietor may, I presume, be given to whom his Lordship thinks fit, without consulting the Pamphleteer or any body else; and his Lordship's judgment in bestowing them on persons, whose merits he thinks claim them, cannot be called in question, without the highest affront to the honour and dignity of his Lordship, as lawful Proprietor of the whole colony, and the lands held under him.

The conclusion of the writer, "that the gentlemen who have these employments must necessarily be under undue influence, and have a greater regard for the Proprietor's interest than the rights of the people," is not only false, but base and impudent.

p. 131 The Remarker continues, "I have no occasion to confine myself to speculative arguments derived from the nature of their constitution; their attempt to deprive the people of fines and ordinary licences, because the Proprietor thought fit to lay claim to them, and in consequence thereof, granted them to Cæcilius Calvert, Esq. his Secretary, for life;"—I observe in the Journals of the Lower House 1755, the Secretary's commission entered; by that commission he

Contemporary Printed Pamphlet Md.Hist.Soc. is "Provincial Secretary during pleasure," and I observe, by the Proprietor is granted "to him or to his Deputy, power to take to themselves the advantage of granting ordinary licences, which did heretofore belong to the office of Secretary, &c."

A bill passed both Houses, and the Governor in 1756, and after (I am informed) was assented to by the Lord-Proprietor, which act was for 40,000 l. for his Majesty's service; the Secretary-attendant made no objection to the Proprietor's passing that bill, though the ordinary licence money, his right, was included in that bill. Such was the behaviour of Cæcilius Calvert, Esq. his Lordship's Secretary. p. 132 This manifests, that he had more the good and safety of the Province at heart than his own interest. As at that time the Province was in imminent danger from the enemy, his Lordship consented to the act, to which his uncle the Secretary made no objection. And it is to be more peculiarly observed, that his Lordship's manor lands were by that act taxed, to which he readily and voluntarily submitted, though contrary to law, and to a bill enacted as a salvo to himself from taxation. These instances prove the great regard of the Proprietor for his Majesty and the Province.—The following will set the Lord-Proprietor's right to grant ordinary licences beyond all doubt or dispute, viz.

"In 1664, Charles Calvert, Esq. Governor, under Cæcilius Lord Baltimore, by virtue of prerogative, licensed James Jolly to keep an ordinary, and he did take the said Jolly's recognizance being 1000 l. of tobacco; and also one Smith upon the same terms, in 1673. The same Governor did issue his proclamation to every county he had granted licences of ordinaries, that the licences were restrained to p. 133 only one year, commanding, that those who kept ordinaries without licences, or by virtue of a licence, should personally appear before him at his house at Mattapany, the 10th of January, and proclaimed the said licences vacated, and to take out new licences; if not, they should be proceeded against as persons that sold drink, and kept ordinaries without licences. In 1764, a Member of the Lower House moved the Lower House, and it was resolved, that they should send a message to his Excellency, in whom they said the sole power of granting licences was, if that House should draw an act to give bond, &c. to his Excellency, that those who had licenses should keep good rules and provide beds; his Excellency did assure the House, that the conditions and reservations in their message, should be inserted in each recognizance to ordinary keepers." From the above instances, and others for brevity sake omitted, it appears, that this prerogative was insisted upon and exercised by the then Proprietor as his right near 100 years ago. Arguments have been used to insinuate, that by p. 134 an act of 1717, (which act was temporary, and licences were reserved to his Lordship, and penalties to the use of a school; which act he assented to) the late Lord accepted the fines arising from ordinary licences, as a grant of the people, and that the application of such fines cannot be made without the assent of their Representatives. The answer is, that if the late Lord, or his ancestors had passed such or twenty such acts, it would not alter the power or property granted and vested in the present Lord, by virtue of the Royal Charter descending to him by inheritance from his illustrious ancestors. All former Proprietors might at any time accede to an act to appropriate their own dues to other uses according to the exigencies of the colony, but that will by no means bind their successors, nor can they do any injury to a right, which is for ever descending with the charter. Contemporary Printed Pamphlet Md.Hist.Soc.

It will be universally allowed, that for the good and peace of the Government, and to hinder the inconveniences and damages which must arise from unlicensed ordinaries and public houses, that all keeping such houses should be under proper regulations and retrictions. Licences and fines are fixed upon by authority, as the best p. 135 means to keep them in due bounds. As to the money arising from licences and fines, to whom does that belong? Why, by the authority of the Charter, it is the sole and whole property of the Lord-Proprietor.—The licence-money was consolidated into the tax by the bill of 1756, "towards making good the payment of the 40,000 l. for his Majesty's service, section 96." The Secretary has all along shewn himself satisfied with that act by generously complying with his loss of fees of ordinary licences, &c. to which fees he has a right by virtue of his commission, but declares not one farthing of them has, to his knowledge, been paid into his office. The truth of this may be known from Daniel Delany, Esq. his Deputy.

Then comes this remarkable passage, page 46 and 47. [pp. 395-396] (Vide the Upper and Lower House's Message inserted in this discourse.) "It is a maxim in politics, almost universally adopted, that the Representative is justified by the instructions of his constituent, in acting even against his own judgment; and we were p. 136 willing to entertain hopes, that your Honours (id est, the Upper House) might be more at large at present than heretofore, with respect to the tax on the Proprietary estate, and the great offices of the Government. Now that I may explain this passage to the understanding of the supposed associates in this elaborate performance, I will borrow my logic from the bar, (here he starts up the lawyer!) and by force of innuendo's, throw such a light upon it, that the persons in the Province, who would discover any obscurity in it, shall, at the first glance, comprehend its full scope and intention.—It is a maxim in politics, that the Representative (the Upper House meaning) is justified by the instructions of his Constituent, (the Lord-Proprietor meaning) in acting even against his own judgment, (the judgment of their Honours of the Upper House meaning) and we were willing to entertain hopes, that your Honours might

Contemporary Printed Pamphlet Md.Hist.Soc. p. 137 be more at large at present, (from proprietary injunctions meaning) than heretofore, with respect to the proprietary estate, and the great offices of the Government. But notwithstanding the abstruseness of this passage, I shrewdly suspect it is better understood than the Gentlemen choose to acknowledge, and that their ignorance of its meaning is nothing but pretence; why else such a train of thundering angry questions, which I shall give from their message, with suitable answers, en passant? &c."

The whole of this will appear at first sight a glaring insult upon the Proprietor, the Upper House, good manners, common sense, and logical reasoning, and you will find, Sir, the matter of the maxim aforesited fully discussed by Message and Answer, contained in the two public papers printed in this discourse, from the Journals of the Assembly in 1762, stiled the Upper and Lower House, &c. which papers will give light enough for any one to determine which of the two Houses has the better of the argument.

He says, page 64, [p. 404] "The charge they seem peculiarly fond of, (the Upper House) and which they have often repeated in the course of their declamation, is, that a wicked majority have en- p. 138 deavoured to establish an absolute power upon the ruins of his Majesty's Prerogatives; with this honest view, it may fairly be supposed, to let his Majesty's Ministry at home see what staunch and loyal subjects they are, and that the Lower House are composed of men of traiterous and rebellious principles, &c." The conclusion in the above paragraph is merely conjectural, and cannot by any means be drawn from the premises: it is as unfair and ungentleman like, as it is forced and strained, through a supposition only of an invidious and malicious author.

The Earl of Loudon's Letter, dated New-York, December 30th, 1757, to the Governor of Maryland, in the printed Votes of the Lower House in 1762.

Sir,

I Had this day the favour of your letter by express, with the bill prepared by the Lower House, and the address from both Houses to you. As I had seen an extract of the military part of that bill before, I am ready to give my sentiments on it; and am clearly of p. 139 opinion, that had it passed into a law of the Province, it would have been a direct infringement of the King's undoubted Prerogative, and as such, was very wisely rejected by the Upper House; at the same time, I am willing to believe, that the Assembly had not considered it in that light, or they never would have framed it in that manner; nor had they considered that right of the King of commanding his subjects in arms, which is a right undisputed every where, or they would never have disputed the power of his commission, to have marched his troops, raised by them for the defence of his dominions, even out of your Province, which I do not understand, I have done with regard to them, which was to Fort Cumberland, from the best accounts I have been able to procure; but that does not come to be the question; for if they will consider what has happened in almost all the other Provinces, they will find they are single in the opinion of the King's power of marching the Provincial troops into other Provinces, &c." Contemporary Printed Pamphlet Md.Hist.Soc.

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I beg his Lordship's pardon, for not inserting the whole of his letter, which so finely and fairly illustrates that part of the bill and address, which seems to interfere with his Majesty's Prerogative. I omit the latter end only for brevity sake. p. 140

Does not this letter of his Lordship prove beyond a doubt the rectitude of the measures of the Upper House, and the justness of their reprehensions, whenever they found the Lower House wrongheadedly attempting the least infringement of his Majesty's Royal Prerogative. It is allowed that if the bill prepared and offered by the Lower House had passed into a law, it would have been a direct violation of the King's Prerogative, and the wisdom of the Upper House in rejecting it is highly applauded. Yet this anonymous scribbler, this hardy champion for the Lower House, dares publicly avow their proceedings in this very case, and endeavours to cast an odium on the Upper House, for their having watchfully guarded the rights of the Crown, and too mildly reprehended the Lower House for their endeavours by that bill to subvert them.

As the Upper House is composed of men of such sagacity and honour, they are fit subjects, and true servants of the King; the properest persons to form the Upper House and the Lord-Proprietor's Council, and may well be esteemed the guardians of the people's rights and priviledges. These men will never suffer the Royal Prerogative to be broke in upon, nor the power delegated by Charter to be lopped, nor the people's rights to be trampled on. And the writer quotes page 52 [p. 398] an extract from the report of the Lords of trade on the Pensylvania acts, as urged by the Upper to the Lower House. p. 141

"We are satisfied, that there is nothing so likely to preserve the tranquility of the Province itself, or its dependence upon the mother country, as the maintaining with a strict and steady hand, the necessary power and just Prerogatives of the Crown, and the preferring an uniform and settled principle of Government, to an occasional departure from it, for temporary convenience. Every day's experience convinces us, that it is in vain to negotiate away his Majesty's Prerogatives; every new concession becomes a new demand, p. 142
and that, my Lords, of some new dispute."—Observe how he quibbles upon this home application of the Upper to the Lower House, viz. "Every proposition, says he, in this part of the report, I believe all the inhabitants of Maryland will very readily assent

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to, as too rational to admit of any doubt; but it is not enough to cite true propositions, for this would make controversy endless, and the pastime only of children, but it is necessary that they should be applicable to the points in dispute. However, true it may be, that it is expedient to maintain the necessary powers and just Prerogatives of the Crown, and that it is in vain to negotiate away his Majesty's Prerogatives, yet, as the Lower House have made no attempt of this kind, a stanza from the ballad of Chevy Chace, would have served the purpose of the Upper House full as well, if their view in inserting it had been fair and honest."

It is agreed, that all the inhabitants of Maryland readily assent to the first part of the foregoing passage; and the application of p. 143 the latter part very plainly appears true, from what has already been said upon that subject.

I now proceed to the Remarker's propositions, Why the Upper House did not attempt to reform what to them appeared exceptionable in the supply bill, which the Lower House offered in 1762, instead of returning it with a negative. I think proper to observe, that to a bill of the same nature offered in the year 1758, the Upper House had expressly made more than thirty objections, as may be seen in the Lower House's Journals of April 1758, (pages 26 to 32,) and that since the bill in question, except in a few instances only, was liable to the very same objections, the pointing them out again by a message was not likely to answer any other end, but to engage the two Houses in new warm disputes, and, by protracting the Session, much encrease the public debt.—In consequence of a proposal made in 1758, by the Upper House, in order, I conceive, if possible to bring about the passing the bill then depending, a conference was held between the two Houses, on the many objections which the Upper House had made to it; and as there were four p. 144 of them which the Lower House had thought fit to consider as most material points, it was agreed by the conferees, that these four should be first taken into consideration. The first of them related to the nomination of the Commissioners, who were to have power of controlling the assessors, and ascertaining the tax each person should pay. The second of them related to the double tax proposed to be laid upon Non-jurors; the third of them to the tax upon offices, and the fourth to a tax upon his Lordship's quit-rents. The plan of the bill being extremely different from that of every money-bill that passed into a law since the first settlement of the Province, new officers called Commissioners and Assessors, were to be appointed in each county, in order to carry the act into execution, and as the Upper House did not think it reasonable, (especially at a time, as by information, when great pains had been taken by many Members in the Lower House, to represent both the Proprietor and the Members of the Upper House in an odious light) that both

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his Lordship's, and their estates should be rated and taxed by officers, deriving their power from the sole nomination of a majority in the Lower House, they objected to the Lower House's assuming such exclusive power, and therefore proposed, that the Justices of the p. 145 several respective county courts should be Commissioners within their respective counties, or, that a certain limited number should be appointed by the said Justices out of their number to execute the duty of Commissioners; or, that a number of Commissioners in each county should be agreed on, one half to be appointed by the Governor and Council, the other half to be appointed by the Lower House, saving to each side the right of making all just and reasonable objections to the persons to be nominated, in lists to be exchanged on both sides. But as the Lower House would not agree to either of these propositions, and refused to make any proposal themselves, in order to obviate the objections made by the Upper House, the bill dropt, and on that very account only; so that the other three points were never discussed at the conference. With what truth then can it be said or suggested, that the bill dropt by reason of the proposed tax on the Proprietor's estate or great offices? both which the Upper House were always willing should be taxed, p. 146 though they did make some objections to their being subjected to what they conceived an unequal and unreasonable taxation.—"We object, say they, in their Message, (dated the 18th of April, 1758,) to the tax upon officers, whose annual income or salarieis do not exceed the sum of 100 l. There is the same reason to tax Merchants, who by their occupations gain an equal income. The tax upon the other officers, as well as the clergy, we have no objection to, but in respect of the quantum, which we think, in point of equity, ought not to exceed one third of what is proposed by the bill; and that the same rule ought to be observed in the imposition upon lawyers, persons practicing physick, &c. These persons, whose offices and professions die with them, cannot be considered as having an interest for a longer term than for life; and the tax upon them ought therefore to be in the same proportion to the tax upon fee-simple estates, that an estate for life bears to a fee-simple, i. e. it ought to be one third part thereof." Then with respect to the proposed tax upon p. 147 the Proprietary's estate, the Upper House in their Message above quoted, say: "Although we agree with you in taxing the manors and reserved lands of the Proprietor, we object to the tax upon his quit-rents; such a tax was never before attemtped to be imposed in this Province, and has not been established in any colony in North America: We are apprised of the disputes subsisting in a neighbouring Government, which have been carried so far, as to render the determination of a superior necessary, and are now in the course which must terminate in the decision of his Majesty. It could be supposed, that the Governor is at large in this matter, or that if he is not, he would disregard the restrictions he may be under, it

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could hardly be presumed, that Lord Baltimore would submit to a tax upon a revenue which has not been admitted into any other colony, and which his Lordship has so much reason to controvert. The quit-rents payable to him cannot be thought by any one to be a render proportioned to the value of the lands; and though it is not p. 148 expressed in our patents, that we should undertake the burthen of defending ourselves, yet it seems plainly by his tenants to be evident, from their never having made any attempt till now to subject his quit-rents to any kind of tax, and from an express law which passed in 1651, by which it was enacted, That all charges arising from time to time by defence of the Province against any enemy, or against any domestic insurrection or rebellion against the public peace of this Province, or the Government established, shall be defrayed by this Province, by an assessment upon the persons and estates of the inhabitants thereof; which method of assessment in the foregoing recited act is further explained by an act passed in 1661, to be an assessment per poll, according to the usual custom of this Province *."

p. 149 In the objections made to the double tax on Non-Jurors, the Upper House in the same message say, "The double tax imposed by the bill upon the real and personal estates of Non-Jurors, we cannot agree to in conscience, justice, or good policy, as we think such a measurement would effectually banish them. The first settlement of this Province was made by Roman Catholics, who had been drawn from their native country by the severity of its laws: p. 150 an act for an unlimited toleration of all Christians passed in 1640. Had a spirit of intolerance prevailed amongst the first colonists, the progress in settling that part of his Majestys dominions had been probably retarded. After the services these people have done in extending the dominions of the Crown, and settling the country; after they have been promised and allowed an asylum here upon the faith and encouragement of an express law, and by the means

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Note, translated from the original Latin Charter.

* "And further, our pleasure is, and by these presents for us, our heirs, and successors, we do covenant and grant to and with the said Lord Baltimore, his heirs and assigns, that we, our heirs and successors, shall at no time hereafter, set, or make, or cause to be set, any imposition, custom, or other taxation, rate, or other contribution whatsover, in or upon the dwellers and inhabitants of the foresaid Province, for their lands, tenements, goods, or chattels, within the said Province, or in or upon any goods or merchandises within the said Province, or to be laden or unladen within any ports or harbours of the said Province: And our pleasure is, and for us, our heirs, and successors, we charge and command, that this our declaration shall be henceforward from time to time received and allowed in all our courts, and before all the judges of us, our heirs, and successors, for a sufficient and lawful discharge, payment, and acquaintance: Commanding all and singular our officers, and ministers of us, our heirs, and successors, and enjoining them, upon pain of our high displeasure, that they do not presume at any time, to attempt any thing to the contrary of the premises, or that they do in any sort withstand the same; but that they be at all times aiding and assisting as is fitting unto the said now Lord Baltimore and his heirs, and to the inhabitants and merchants of Maryland aforesaid, their servants, ministers, factors, and assigns, and in the full use and fruition of the benefit of this our Charter." [This is a footnote in the original.]

of an honest and laudable industry, have acquired a competency for themselves and their posterity; an act of the legislature, which must have the effect of banishing them, (when it cannot be proved that the safety or welfare of the community requires that such an extreme measure should take place) could not we think, be defended upon any principle of justice or policy." Contemporary Printed Pamphlet Md.Hist.Soc.

Had the Lower House, when they were about to offer a supply bill in 1762, thought fit to alter the assessment bill, with respect to these four points, or even with respect to only the first part of them, there would have been some room for the Gentlemen of the Upper House to hope, that the Lower was then willing to grant for his Majesty's service the supplies they had voted; and in order to obtain p. 151 such supplies, would have thought it worth while by a message, or at a conference, if the Lower House had agreed to one, to enter again into a discussion of the other objections which might have been obviated; and if they could not have offered sufficient arguments in support of such their objections, they must have waved them, or else have justly incurred his Majesty's displeasure, and the censure of the whole Province. But when on perusal of this bill, they perceived so little regard had been paid to their opinions already communicated, and could see the conduct of the Lower House, in offering such a bill, in no other light than an attempt to deprive them of a right to exercise their own judgments, and compel them to assent to a bill, which in their opinion was calculated to raise, by an unequal taxation, a much larger sum of money, than they would then appropriate, to vest the Lower House with extraordinary power and influence, and to sacrifice one part of the people to the humour and caprice of another, it was incumbent on them, as a branch of the legislature, to reject the bill, without giving a reason; p. 152 and their making any overture in order to obtain its passage, would doubtless have been considered by the Lower House as a willingness on their part to wave the objections they had adhered to during the eight preceding sessions, and to which, while the Lower House leave them unanswered, as hath been hitherto the case, they will, it is presumed, ever adhere, disregarding the calumny or suggestions of such as would insinuate, that the objections expressly mentioned were only as a barrier to cover others, while they are persuaded that the force of these objections, so expressly mentioned, will to every impartial person at all acquainted with the constitution and circumstances of the Province, fully justify their conduct in rejecting the bill that was offered, and to which such obligations were applicable.

In answer to the Remarker and the Querists assertion, that it is entirely owing to the conduct of the Upper House, that the dispute which has subsisted so long about the assessment bill has not been determined, and money granted for his Majesty's service raised,

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because they by rejecting the agent's bill, so often offered them, have prevented the dispute's being carried before his Majesty in Council; it might be said, that if the Lower House were really willing to have the matter brought to an issue, they ought by the same bill to have impowered the Upper House also, to support an agent in London, as well as the Lower House, since his Majesty would not otherwise be fully acquainted with both sides of the question and the merits of the cause, nor well informed of the reasons each House had to offer in their own justification; for the dispute (whatever might be pretended) was not in fact between the Proprietor and people, but between the Members of the Upper House, and a part of the Lower; for the rest of the Lower House, with a great number of the inhabitants, are people of the opposite side.

Moreover, it could not be reasonably expected, that the Proprietor should put himself to any expence about the matter, or retain an agent or sollicitor in London, to defend or justify the measures of the Upper House, or the opinion of such of the inhabitants as were averse to the assessment bill, about which the controversy subsisted; p. 154 and therefore, it is reasonable, to prevent partial or unfair representations being made by the agent of one party, than the other party should have an agent likewise; and that if the expence of either is, the expence of both ought to be paid out of the Provincial Treasury. The Lower House could not expect the Upper would by passing such agent bill, put weapons into their adversaries hands, and be content to remain unarmed themselves, and at the mercy of the Lower House. But the truth is, (as appears) the leading Members in the Lower House did not desire to have an end put to the dispute: foreseeing it would put an end at the same time to their own consequence.

I shall pass over the other disagreements, which have arisen from controversies between the Upper and Lower Houses of Assembly, and shall not venture, as the Pamphleteer has in his remarks, to purloin fragments out of the public debates of either House, and then wrongfully and acrimoniously to expatiate upon arguments relative to such debates, and make an outcry to Parliament.

As to all grievances, which have or may subsist in the Province; p. 155 the party injured or discontented, may address their remonstrances to the Lord-Proprietor; his Lordship can and will redress them, when properly and regularly laid before him.

I remember such proceedings have been in the late Lord-Proprietor's time, to wit,—Jacob Henderson, clerk and rector of Queen Anne's parish, in Prince George's county in Maryland, presented a petition on the behalf of the clergy of Maryland, as it appears by a committee of the Privy-Council, Dec. 18th, 1729, viz.

His Majesty was pleased to refer unto the consideration of this committee, the petition of Jacob Henderson, complaining of an act passed in that Province the 3d October, 1728, whereby one fourth part granted for their support by an action in 1702, was entirely cut off, and the remaining three parts of their subsistence was rendered precarious, &c.—The Lords of the Council took the petition into consideration, together with a representation of a friend, on behalf of Lord Baltimore the Lord-Proprietor, setting forth, amongst other matters, that as the said petition greatly affected his Lordship's rights and priviledges, as Lord and Proprietor of Maryland, particularly his right of approving or repealing the laws passed in that Province, and that his Lordship was absent from the kingdom, and an entire stranger to such application, &c. he therefore prayed, that the said petition might not be taken into consideration, until his Lordship's return, who was daily expected in England: Whereupon their Lordships were pleased to put off the consideration of the said petition to this day; when the Lord Baltimore's Sollicitor attended their Lordships, and acquainted them, that he was arrived in England, and prayed, that in regard his Lordship, as Proprietor, had constantly enjoyed and exercised the power of approving and repealing laws of the Province, his Lordship might hear and determine this complaint, and which his Lordship had engaged to do with all expedition, upon the petitioner's application to him, and to grant him proper relief. The Lords of the committee, upon consideration thereof, and hearing what the petitioner had to object thereunto, were pleased for the present to suspend all further proceedings upon the said complaint.

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Thereupon, the said Jacob Henderson, clerk, in behalf of himself, and the rest of the clergy of Maryland, did present a petition to the then Lord Baltimore, Proprietor of Maryland, to this effect, viz. p. 157

That the clergy of Maryland are exceedingly aggrieved by an act passed by the Assembly on the 3d October, 1728, entitled, An act for improving the staple of tobacco; which act (as your petitioner apprehends) is not only unreasonable in itself, but also deprives the clergy of the maintenance lawfully and solemnly provided for their support by the act of 1702, &c.

His Lordship, upon the clergy's petition being presented to him, took the same into consideration, together with another petition from the traders to Maryland, in behalf of themselves and others trading thither, praying a continuance of the act of 1728, as the said act would occasion the improvement of the staple of tobacco, and the said law limiting a certain number of plants, is of the same nature with one which has been in force many years in the Province of Virginia, &c.

Upon the petitions being read, his Lordship heard the complaint, it being fully argued on both sides, by council learned in the law; p. 158 after which his Lordship dismissed the parties, and upon due consideration of the act of 1728, it appeared to him too unjust and

Contemporary Printed Pamphlet Md.Hist.Soc. unreasonable, to take from the clergy one-fourth part of their incomes, without any just grounds, or equivalent given to them, and a transgression of the law of 1702, for the clergy's support and maintenance; his Lordship therefore dissented to the above tobacco act of 1728, in January the 30th, 1729, O. S.

The above circumstance is well known in Maryland, and shews the peculiar regard the Lords of his Majesty's Council had for the rights of the Proprietor. Several instances of the like application for redress, have happened in the time of former Proprietors, which has never been refused when properly applied for: the present Proprietor is easy of access, and will occasion no more trouble or expence to the party, than is really necessary on so essential and beneficial a point as that of redress.

By this time, Sir, I apprehend I have most fully answered the material points in the Querist's Queries, and the Pamphleteer's Re-
p. 159 marks upon the constitution of the Province of Maryland; and have laid open and exposed to public view their ill-grounded suspicions, false facts, and fallacious reasonings. The envy, hatred, and malice interpersed throughout their puerile performances, have carried them beyond all bounds. By frequent inuendo's, and sometimes by open, barefaced calumny, they have endeavoured to traduce and asperse the character of the present Lord Baltimore their Proprietor, invested by Charter under the Crown, with almost regal power; abstracted from which, he is a gentleman of high birth, liberal education, great abilities, and unblemished honour; of a friendly and humane turn of mind, and strictly upright in all his dealings. If he is tenacious of his rights, it is because he would not injure his successor; but he can occasionally give them up, when he thinks the necessity of the times require it. Shall worth like this, be vilely bespattered with the dirt of low, groveling, anonymous scribblers, who work like moles under ground, and dare not face the light?

The Querist, influenced by the same envenomed malice, has by
p. 160 initial letters and inuendo's, aimed unjustly to abuse the uncle of the Lord-Proprietor, his Lordship's Provincial Secretary; nor has his pen spared the Governor, who, by all accounts, is an honourable, generous, open, and just man, and far from being wanting in abilities either civil or military. As a proof of the latter, his late Majesty honoured him with the command in chief of all his forces, until his Majesty's General arrived in America, upon whose arrival, he resigned his command, with general applause for his good conduct.

With the same reason and cause, these scribblers have fallen foul upon the Upper House of Assembly, without bringing real reasons to support their invective allegations.

I shall here Sir, put an end to what I promised you in the beginning of this letter, my animadversions on the most remarkable passages in the two very extraordinary productions. Truth will ever blunt the weapons of falsehood and break the arrows of slander. As a proof that I have strictly adhered to it thro' all I have alledged, I refer you to the Journals and Proceedings of both Houses of Assembly properly printed herein, and likewise to his Lordship's patent by Royal Charter. I am,

Your's &c.

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VII

A BILL, 1765, TO PERMIT THE REMOVAL TO OTHER WAREHOUSES OF INSPECTED TOBACCO AWAITING EXPORT

[DRAFT OF A BILL INTRODUCED IN THE LOWER HOUSE AT THE NOVEMBER-DECEMBER, 1765, SESSION, TO ALLOW THE OWNERS OF TOBACCO, WHICH HAD BEEN INSPECTED AND STORED IN ACCREDITED WAREHOUSES, TO REMOVE IT TO OTHER WAREHOUSES WHICH WERE MORE CONVENIENT FOR LOADING IT ON VESSELS FOR EXPORT. THE LOWER HOUSE, WITHOUT TAKING FURTHER LEGISLATIVE ACTION UPON IT, ORDERED THAT THE BILL BE PRINTED AND REFERRED FOR THE CONSIDERATION OF THE NEXT ASSEMBLY. THE BILL WAS EVIDENTLY A TRIAL BALLOON SENT UP FOR THE PURPOSE OF LEARNING THE REACTION OF THE PUBLIC TO IT. AS NO BILL OF THIS KIND BECAME A LAW AT THE 1766 SESSIONS, EITHER THERE WAS NO PUBLIC DEMAND FOR IT, OR IT MET WITH OPPOSITION IN THE UPPER HOUSE. IT WAS ISSUED FROM THE PRESS OF JONAS GREEN IN 1766 AS A PAMPHLET OF SIX PAGES WITH ITS OWN PAGINATION, BUT WAS DISTRIBUTED STITCHED IN WITH THE PRINTED *Votes and Proceedings* OF THE NOVEMBER-DECEMBER, 1765, SESSION.]

PURSUANT TO AN ORDER OF THE HONOURABLE HOUSE OF REPRESENTATIVES, OF THE 7TH OF DECEMBER, THE FOLLOWING BILL, WHICH WAS THEN BROUGHT IN TO THE HOUSE, AND REFERRED TO THE CONSIDERATION OF NEXT SESSION OF ASSEMBLY, IS HERE ANNEXED, FOR THE PERUSAL OF THE INHABITANTS OF THIS PROVINCE, VIZ.

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An Act to enable the Proprietors of inspected Tobacco, to remove the same from the Inspecting Houses, to other Warehouses, convenient for the lading thereof on board Vessels for Exportation.

Preamble.

Whereas Ships and Vessels are greatly delayed in loading with Tobacco within this Province, occasioned by the Distance of In-

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specting Houses from each other, and many of them being necessarily fixed for the Convenience of the Planters, on the Heads of Creeks and Rivers, where Vessels of any considerable Burthen cannot go, and even small Craft are often long detained from the Shallowness of the Water, and it being often impracticable, for a Length of Time, to remove Tobacco by Reason of the Ice; all which Delays greatly discourage Trade, and the Expences occasioned thereby, fall ultimately on the Makers of Tobacco: To Remedy therefore such Inconveniencies for the future, for the more safe keeping of Tobaccoes and Encouragement of Trade;

Warehouses on both Sides the Bay, to be Appointed for Storing inspected Tobacco.

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That . . . . on the Western Shore, and . . . . on the Eastern Shore, be and are hereby appointed Places on and in which Warehouses may be built for the Reception, Storing, and safe Keeping of Tobacco, for Exportation, in Manner herein after mentioned.

In what Manner to be built.

III. And be it further Enacted, That any Person or Persons whatsoever, may at his, her, or their Will and Pleasure, and by Consent and Agreement between him, her or them, and the respective Proprietors of the Land, at the Places aforesaid hereby assigned and appointed for erecting Warehouses, set up, erect, and build in and upon any of the Places aforesaid, good Framed Warehouses, each Warehouse being not less than Forty Feet in Length, and Twenty Feet in Breadth, covered with Shingles, and floored with Plank, the Upper Part of the Sleepers of which Floor, being at least Twelve Inches from the Ground, with convenient Doors, well secured with Iron Bolts, Barrs, or good Locks.

Dimensions.

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To be under the Care of the Inspectors of the adjacent Inspections.

IV. And be it further Enacted, That the Inspector or Inspectors, at the Inspecting House in or next adjoining to each of the said Places, hereby assigned and appointed for Warehouses, shall, during the Time that he or they shall be Inspector or Inspectors at the said Warehouses, be also respectively Keeper or Keepers of all the said Warehouses, to be erected in virtue of this Act, in the same Place where his or their Inspecting House is or next adjacent thereto, without any further or other Commission, Nomination, or Appointment, than what by the Laws now in being, is, or are necessary to constitute him or them Inspector or Inspectors, at his or their respective inspecting Houses. But previous to any such Inspector or Inspectors taking upon him or themselves, the Office and Duty of Keeper of the Warehouses aforesaid, to be erected in virtue of this Act, he or they shall give Bond to the Right Honourable the Lord Proprietary, with two good and sufficient Securities therein, in the Penalty of Two Thousand Pounds Current Money, with Condition

Bond to be given with Surety in 2000 l.

thereto, that such Warehouse Keeper or Keepers, shall and will during his or their Continuance in his or their Office of Warehouse Keeper or Keepers, safely and securely keep all Tobaccoes, that shall be by him or them received, as Warehouse Keeper or Keepers aforesaid, and will well and faithfully deliver the same in the like Order as the same shall be received, without any Damage, Diminution, or Alteration thereof, so far as he or they can prevent the same, and a true and faithful Account of all his or their Receipts and Deliveries of Tobacco, shall keep; and also shall take an Oath or Affirmation if a Quaker, to the same Effect, and procure a Certificate of such Oath or Affirmation. Which Bond and Certificate, shall be laid before the then next County Court to be held for the County, wherein the same shall be given, for the Courts Approbation; and if they are approved, the same Bond shall be recorded in the Records of the same Court, and shall and may be sued by any Person grieved, by a Breach thereof, without any Assignment, and a Copy of the Record thereof under Seal, shall and may be given in Evidence on any Trial, instead of the Original; but if the Securities shall not be approved of as aforesaid, a new Bond with better Securities shall be thereupon given, approved and recorded as aforesaid. After which Bond and Certificate so produced, and Securities so approved of, and not before, the Inspector or Inspectors aforesaid, shall and may act as Warehouse Keeper or Keepers, and the Keys and Custody of the said Warehouses to be erected in virtue of this Act, shall be delivered to him or them.

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V. And be it further Enacted, That before any Warehouse shall be esteemed sufficient, or given in Charge to any Warehouse Keeper as aforesaid, the same Warehouse as well as the Wharf and Crane aforesaid, shall be viewed by at least three of the Justices of the County in which the same shall be, and be by them approved as sufficient, and a Certificate thereof signed by the said three Justices, entered on Record: And such Warehouses, Wharfs and Cranes, shall be so viewed and approved in the Month of November, yearly, and if any of them shall on any such View be deemed insufficient, such Warehouse shall not thenceforth, until the same be sufficiently repaired and approved of as aforesaid, have any Tobacco stored therein.

Houses shall be viewed by Three Justices.

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VI. And be it further Enacted, That no Person whatsoever, shall keep any Goods for Sale in any of the said Warehouses, but that they be wholly kept and appropriated to and for the Storing and Keeping of Hogsheads, Casks, and Cases of inspected Tobacco, for Exportation.

To be appropriated to no other use.

VII. And be it further Enacted, That upon the Order or Request of any Proprietor of inspected Tobacco, which by the Laws now in Being may or can be exported, and delivering up the Inspectors Note therefor, the Inspector or Inspectors at any Inspecting House within this Province, shall and may deliver such Tobacco to

Inspectors may deliver out inspected Tobacco to the Proprietor;

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such Proprietor or other Person by him appointed, to be safely and securely carried to any of the Warehouses to be erected in virtue of this Act, at any of the Places aforesaid, that shall be named by such Proprietor, either by Land or Water, if to the Warehouses, in the same Place or next adjacent to the Place where such Delivery shall be, or by Water if to any of the other Warehouses to be erected in virtue of this Act. And such Inspector or Inspectors, shall also at the Time of such Delivery of Tobacco, if the same is designed to be carried to any Warehouse, of which he or they hath or have not the Charge and Keeping, also deliver to the Person who is to carry such Tobacco, a fair List or Certificate, containing the Marks, Numbers, Gross, Tare, and Nett Weight of the Tobacco delivered, the Proprietor's Name, the Inspecting House, at which, the Name of the Person, to whom, the Time when delivered, and the Warehouse at which the same is designed to be delivered.

with a fair List thereof.

The Person to whom delivered, to be Sworn.

VIII. Provided always, and be it Enacted, That before any Tobacco shall be delivered out of any Inspecting House, to be carried and conveyed to any Warehouse as aforesaid, the Person to whom the same shall be delivered, shall take an Oath or Affirmation if a Quaker, before the Inspector or Inspectors of such House, at which the same shall be delivered (who are hereby authorized and required to administer the same), "That he will with all Opportunity convey, or cause to be conveyed to the Warehouse Keeper or Keepers, at the Place at which the Tobacco to be sent by him shall be intended to be delivered, all Tobacco that shall be delivered to him to be carried to such Place, and the same will deliver to the Warehouse Keeper aforesaid. And that he will not take or suffer to be taken by any other Person whatever, any Tobacco out of any such Hogshead or Hogsheads, or other Casks or Cases, and that he will not wilfully Damage or suffer to be Damaged such Tobacco, whilst the same shall remain under his Care or Management." Of all which Deliveries of Tobacco in virtue of this Act, the Inspector or Inspectors respectively, shall and are hereby directed to keep a fair and distinct Account.

The Oath.

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The Keepers to file their List and keep Books, &c.

IX. And be it further Enacted, That the Keeper or Keepers of the said Warehouses, to be erected in virtue of this Act, shall, and they are hereby directed upon the Delivery to him or them, of any of the said Tobaccoes, in their respective Warehouses, which had been before delivered out of any Inspecting House, and upon the Delivery, also at the same Time of such List or Certificate as aforesaid, where by this Act such List or Certificate is directed to be given, receive and safe keep such Tobacco, and shall file such List or Certificate, give a Receipt for such Tobacco, and also enter the same in a Book to be provided and kept for that Purpose, expressing in such Receipt and Book, the Inspecting House from whence such Tobacco shall be brought, the Name of the Person by whom brought, the Name of the Proprietor, the Marks, Numbers, Contemporary Printed Pamphlet Md.Hist.Soc. p. [1]

Gross, Tare, and Nett Weight of such Tobacco, and the Order or Condition of the Hogshead, Cask or Case, in which the same shall be contained. And shall also upon the Order or Request of the Proprietor of any Tobacco in his Custody, and Delivery up of the Receipt of such Warehouse Keeper or Keepers, deliver out such Tobacco, to any Skipper of a Boat, Flat or other Craft, to be Water-borne and safely carried on board any Ship or other Vessel, duly qualified to lade Tobacco for Exportation; such Warehouse Keeper or Keepers, at the same Time making and delivering to such Skipper, a List or Certificate in the Nature of an Inspectors List or Manifest, and such Skipper taking such Oath or Affirmation, for the safe keeping and delivery of such Tobacco on board the Ship or Vessel in which the same is designed to be exported, as Skippers of Flats, Sloops or other Vessels, are obliged to take before they receive Tobacco, by the Act, entitled, An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees, which Oath or Affirmation, any one of the said Warehouse Keepers are hereby impowered, and every of them, respectively, shall administer.

1763, ch. 18,

Fee to be paid, for the Care of the Tobacco, &c.

X. Provided always, and be it Enacted, That before any Warehouse Keeper or Keepers, shall be obliged or compellable to deliver any Tobacco out of their respective Warehouses, to be erected in virtue of this Act, the Skipper of such Tobacco, shall, and is hereby obliged to pay to such Warehouse Keeper or Keepers, the Sum of . . . . for every Hogshead, Cask, or Case of Tobacco, then ordered or requested to be delivered for Exportation, as a Fee to such Warehouse Keeper or Keepers for his or their Trouble, in receiving, taking Care of, and delivering such Tobacco.

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Vessels qualified to take in Tobacco, may take it from the Warehouses to be Built.

XI. And be it further Enacted, That the Masters of all Ships and other Vessels, duly qualified to lade Tobacco for Exportation, may receive and lade Tobacco so delivered as aforesaid, from the Warehouses, to be erected in virtue of this Act, on board their respective Ships or Vessels, in the same Manner that they may now lade Tobacco, delivered out of the Inspecting Houses for Exportation, and the Warehouse Keeper or Keeper's said Lists, shall be delivered to the Naval Officer who shall clear out such Tobacco before such Tobacco shall be cleared out: Which Lists shall by the said Naval Officer be kept with, and in the same Manner, as Inspectors Lists or Manifests are directed to be kept, by the before-mentioned Act; any Law to the contrary notwithstanding.

In case the Houses are too full, the Skippers of Sloops, &c. to conduct themselves agreeable to the Act of 1763, ch. 18.

XII. And whereas, from Stress of Weather, the Warehouses at the Place where Tobacco is designed to be stored, or the Ship or Vessel in which it was intended to be exported, being so full that such Warehouses, Ship or Vessel, may not be capable of storing all the Tobacco mentioned in such List; or from some other unavoidable Accident, the Skippers of Sloops, Flats, or other Craft, may not be able to deliver the Tobacco received by them, in virtue of this

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Act, agreeable to the Inspectors or Warehouse Keepers List; Be it therefore Enacted, That in any of the Cases aforesaid, the Tobacco in Charge of any such Skipper, shall be dealt with, lodged, taken Care of, and secured, in the same Manner as is directed as to Tobacco, in the like Circumstances, by the said mentioned Act.

Directions as to Tobacco delivered out, when Vessels cannot stow the same.

XIII. And be it further Enacted, That where Tobacco shall be delivered out of any Inspecting House for Exportation, and the ship or Vessel in which it shall be intended to be exported, shall happen to be so full that she cannot stow the same, or any Part thereof, the same Tobacco or such Part thereof as cannot be stored as aforesaid, may and shall at the Request of the Proprietor thereof, be delivered and stored in any Warehouse to be erected in virtue of this Act, the Master of the Ship in which such Tobacco was designed to be exported, giving immediate Notice thereof to the Inspector or Inspectors who delivered the same; any Law to the contrary notwithstanding.

Warehouse Keepers not to receive Tobacco, without the Proprietors Directions.

XIV. Provided always, and be it Enacted, That no Warehouse Keeper or Keepers shall receive, or be construed to be compellable to receive any Tobacco into the said Warehouses, to be erected in virtue of this Act; but where the Consent of the Proprietor of such Warehouse shall be first obtained and made known to such Warehouse Keeper or Keepers, and the Proprietor of such Tobacco, and the Propiretor of such Warehouse, are hereby left to agree together concrning the same; and all Persons delivering Tobacco at or receiving Tobacco from any of the said Warehouses, to be erected in virtue of this Act, shall, and they are hereby obliged to place and stow the same in such Warehouses at the Delivery, and move and take the same out on the Re-delivery thereof, by and at the Direction of the said Warehouse Keeper or Keepers, and also re-stow an re-place all Tobacco that may be thereby put out of its Place, and the said Warehouse Keeper or Keepers, may by virtue of this Act refuse to give any such Receipt or List, before the same shall be done.

p. 6

Punishment for Forging Receipts, &c.

XV. And be it further Enacted, That if any Person whatsoever, shall Forge, Counterfeit, or Alter, any Warehouse Keeper or Keepers Receipt, or offer in Payment any such forged, counterfeited, or altered Receipt, or publish the same knowing it to be such, every Person so offending) shall receive Thirty-nine Lashes on his or her bare Backs, and stand in the Pillory for the Space of Two Hours, and that the Testimony of the Warehouse Keeper or Keepers, joined with other strong and corroborating Circumstances, shall and may be admitted as Evidence.

Punishment for wilfully burning Warehouses.

XVI. And be it further Enacted, That if any Person whatever, shall wilfully Burn or set Fire to, with Intent to burn any Warehouse, to be erected in virtue of this Act, whether such Warehouse then hath any Tobacco therein or not, every such Person being thereof convict by Confession, or Verdict of a Jury, or peremptorily challenging above the Number of Twenty Jurors, or on his or her Arraignment, wilfuly standing Mute, or refusing to plead, shall suffer Death as a Felon, without the Benefit of Clergy.

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If burnt by Accident.

XVII. And be it further Enacted, That in case any Warehouse to be erected in virtue of this Act, should happen to be burnt, and the Tobacco therein or any Part thereof be thereby destroyed, the Public of this Province shall not in any wise be burthened or charged therewith; but the same shall be the Loss of the Proprietors thereof; any Law to the contrary notwithstanding.

No Person to be obliged to remove his Tobacco from Inspecting Houses.

XVIII. And be it further Enacted, That this Act, nor any Thing herein contained, shall compel or be construed to compel the Proprietors of any Tobacco, to carry, to lodge, or store in any of the said Warehouses to be erected by virtue of this Act, their said Tobacco; but every Person whatsoever, may freely Ship the same off from the Inspecting Houses, as if this Act had not been made.

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